



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

Appeal Number: PA/05271/2017

THE IMMIGRATION ACTS

**Heard at Field House
On 18th September 2017**

**Decision & Reasons Promulgated
On 29th September 2017**

Before

DEPUTY UPPER TRIBUNAL JUDGE SAINI

Between

**WMAZ
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms A Nazmi, Counsel

For the Respondent: Ms Z Ahmad, Senior Presenting Officer

DECISION AND REASONS

1. This is the appeal of the Secretary of State against the decision of First-tier Tribunal Judge Miles promulgated on 12 July 2017, allowing the appeal of the Appellant who claimed to be a citizen of Syria and brought a claim for protection under Section 82(1) against the Secretary of State's decision to refuse to grant asylum or any other form of international protection.
2. The Secretary of State was granted permission to appeal by First-tier Tribunal Judge Chohan. The grant of permission may be summarised in the following terms:

It does seem that the judge allowed the Appellant's appeal on the basis of a linguistic report, which, as to be accepted was not clear-cut in his conclusions. The Appellant did not give oral evidence because he was not feeling well. However, it does seem that the judge has not made any other findings in respect of the Appellant's claim as a whole. The fact that the linguistic report was not conclusive and open to interpretation it was all the more important to consider the report in the context of the Appellant's claim.

3. There was no Rule 24 reply provided by the Appellant, however I was addressed by his Counsel in oral submissions.

Error of Law

4. At the close of submissions I indicated that I reserved my decision which I shall now give. I do not find that there is an error of law in the decision such that it should be set aside. My reasons for so finding are as follows.
5. In relation to the Grounds of Appeal it is fair to say that the entirety of the appeal focuses upon the First-tier Tribunal Judge's findings in respect of the analysis of the Appellant's language, in that the judge failed to give reasons for his conclusions on the available evidence regarding that linguistic evidence. In my view the Grounds of Appeal are baseless. The First-tier Tribunal Judge has set out at paragraph 10.4 of the determination that, in terms of the language analysis, the result of the analysis indicated that the use of the language was not consistent with that spoken in the claimed area of Syria but was consistent with that spoken in Egypt. Thus it is clear that the First-tier Tribunal Judge was aware of the conflict in the evidence and that it did not favour the Appellant. The judge then proceeded to explore the Appellant's explanation of this factor and the fact that he claimed to have resided in Egypt for two years and noted that was not considered to be a credible explanation by the Respondent.
6. The judge further considered the terms of the voice analysis at paragraph 10.7 of the determination and noted that the result of the analysis took no account of the concept of 'socialisation' or the fact that the Appellant claimed to have lived in Egypt for almost two years. Then at paragraph 10.9 the judge noted that the analysis took place over the course of some 25 minutes on the date of the Appellant's interview and noted the consistency and inconsistency between the Appellant's speech and the Syrian coastal dialect and further noted the conclusion that the language analysis suggested that the result obtained was more likely than not inconsistent with the linguistic community as stated in the hypothesis before also noting that the analysis suggested that the result obtained is more likely than not consistent with the linguistic community as stated in the hypothesis.
7. The judge then further went on to note the submissions regarding socialisation at paragraph 10.10 and in particular noted a paper of 7 August 2014 from Ms Aisha Maniar which discussed tests undertaken by SPRAKAB and pointed out that language tests can disclose the region of

socialisation but the report concludes that language analysis should be used with considerable caution in addressing questions of origin, nationality or citizenship. The judge then went on to consider socialisation further at paragraph 10.11 and at 10.12, concluding that the central question for him was one of nationality and finally resolved at paragraph 10.14 that the language analysis evidence had not been challenged by the Respondent formally and alongside the Appellant's stated period of time of almost two years in Egypt, this meant that it was arguable at the very least that the linguistics may have been affected in some way in the period as a result of interaction with other individuals most of whom must have been Egyptian and on that basis the Egyptian influence in his speech could in fact be explained. Thus, in his judgment the result of the language analysis which he had set out in full were circumspect.

8. As such the judge's conclusion that followed at 10.15 and 10.16 was one, in my view, that was clearly open to him to make, having comprehensively analysed the material before him and in fact having given very clear reasons upon the available evidence contrary to the Grounds of Appeal lodged by the Secretary of State. As such it is my view that the judge's findings are neither perverse nor irrational nor demonstrate any flaw to the requisite standard identified in *R (Iran) & Others v Secretary of State for the Home Department* [2005] EWCA Civ 982.
9. In summary, I do not find that the First-tier Tribunal materially erred in its consideration of the appeal.

Notice of Decision

10. The decision of the First-tier Tribunal is hereby affirmed.
11. The appeal to the Upper Tribunal is dismissed.

Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until a Tribunal or court directs otherwise, the Appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him or any member of their family. This direction applies both to the Appellant and to the Respondent. Failure to comply with this direction could lead to contempt of court proceedings.

Signed

Date

Deputy Upper Tribunal Judge Saini