

**IN THE UPPER TRIBUNAL
IN THE MATTER OF AN APPLICATION FOR JUDICIAL REVIEW**

BETWEEN:

THE QUEEN
(on the application of OVB, by her litigation friend Francesco Jeff)
Applicant

and

DERBY CITY COUNCIL
Respondent

ORDER

BEFORE Upper Tribunal Judge Sheridan, sitting at Field House on 11 December 2020.

AND UPON the Tribunal hearing evidence on 3 and 4 November 2020, receiving further written submissions on 5, 10 and 25 November 2020, and handing down judgment determining the application on 11 December 2020 (attached).

IT IS ORDERED THAT:

1. The applicant's date of birth is 23 August 1995.
2. The order for interim relief, made on 13 March 2019, is discharged.
3. The applicant shall pay the respondent's costs, with the sum payable to be determined upon any application under regulation 16 of the Civil Legal Aid (Costs) Regulations 2013.

Permission to appeal to the Court of Appeal

No application was made for permission to appeal. I refuse permission to appeal to the Court of Appeal in any event because I am satisfied that there is no arguable error of law in the decision of Upper Tribunal.

D. Sheridan

Upper Tribunal Judge Sheridan

11 December 2020

Applicant's solicitors:
Respondent's solicitors:
Home Office Ref:
Decision(s) sent to above parties on: 11 December 2020

Notification of appeal rights

A decision by the Upper Tribunal on an application for judicial review is a decision that disposes of proceedings.

A party may appeal against such a decision to the Court of Appeal **on a question of law only**. Any party who wishes to appeal should apply to the Upper Tribunal for permission, at the hearing at which the decision is given. If no application is made, the Tribunal must nonetheless consider at the hearing whether to give or refuse permission to appeal (rule 44(4B) of the Tribunal Procedure (Upper Tribunal) Rules 2008).

If the Tribunal refuses permission, either in response to an application or by virtue of rule 44(4B), then the party wishing to appeal can apply for permission from the Court of Appeal itself. This must be done by filing an appellant's notice with the Civil Appeals Office of the Court of Appeal **within 28 days** of the date the Tribunal's decision on permission to appeal was sent (Civil Procedure Rules Practice Direction 52D 3.3(2)).



**In the Upper Tribunal
Immigration and Asylum Chamber**

IN THE MATTER OF AN APPLICATION FOR JUDICIAL REVIEW

Heard at Field House

On 3rd and 4th November 2020

Written submissions received on 5th, 10th and 25th November 2020

Before

Upper Tribunal Judge Sheridan

Between

The Queen on the application of OVB (by her litigation friend F. Jeff)

Applicant

and

Derby City Council

Respondent

Representation

For the applicant: Ms A. Benfied, Counsel instructed by Instalaw Solicitors

For the respondent: Mr L. Parkhill, Counsel instructed by Weightmans LLP

Anonymity

Rule 14: The Tribunal Procedure (upper Tribunal) Rules 2008

Unless and until a tribunal or court directs otherwise, the applicant is granted anonymity. No report or transcript of these proceedings shall directly or indirectly identify her. This direction applies both to the applicant and respondent.

Application for judicial review: substantive decision

Preliminary Matters

1. Prior to the hearing (on 26 October 2020) the applicant applied, with the agreement of the respondent, to amend the timetable in the directions. I allowed the application

as I was satisfied that neither party would be (or had been) prejudiced and it was an interest of justice to do so.

2. Prior to the hearing (on 29 October 2020) the respondent applied for permission to rely upon a witness statement of a social worker employed by the respondent, Ms Anaeka Fayaz. The application was opposed by Ms Benfield. Although no good reason was given for why Ms Fayaz's statement was not filed and served earlier, I allowed the application on the basis that Ms Benfield would be able to respond to the points raised in the statement, and therefore the applicant would not be prejudiced. In any event, as explained in this decision, I have attached no weight to Ms Fayaz's statement as I did not find that anything she said was (even slightly) relevant to ascertaining the applicant's age.
3. The interpreter attending on the first day of the hearing did not speak Congolese French. It had been envisaged that the applicant would give evidence on the first day of the hearing. The parties agreed that she would give evidence on the second day instead. A Congolese French speaking interpreter attended on the second day and the applicant gave evidence without any concerns about interpretation arising. I am satisfied that no prejudice arose from the absence of an interpreter on the first day or the changing of the order in which evidence was heard.
4. The hearing was held at Field House with all participants attending in person other than Ms Fayaz who gave evidence (and was cross examined) remotely, using Skype for Business. The technology did not cause difficulties and I am satisfied that no unfairness arose as a consequence of Ms Fayaz not attending the hearing in person.
5. At the end of the second day of the hearing both parties requested that submissions be in writing rather than given orally. I agreed, and submissions were received from the respondent on 5 November 2020 and the applicant on 10 November 2020.
6. On 10 November 2020, at the same time as submitting her submissions, the applicant made an application to rely on publicly available information taken from the internet relating to the address given on the applicant's passport and voter's card which indicates that a church is located at the address. The respondent's response was received on 25 November 2020. Although some prejudice to the respondent arises from this evidence not being adduced prior to the hearing so that the applicant could be questioned on it, I have decided that in the interests of justice it should be admitted.

Background

7. The applicant is a national of the Democratic Republic of the Congo (DRC), who claims that her date of birth is 23 August 2002.
8. On 26 September 2018, the applicant arrived at Heathrow airport on a connecting flight from China to Switzerland. In her possession were a DRC passport, a DRC voter's card, a Swiss Residence Permit and an EU health card. The passport and voter's card record her date of birth as being 23 August 1995.

9. At Heathrow, the applicant was told that the Swiss Residence Permit, as well as entry stamps into France and Belgium in her passport, were counterfeit. She then claimed asylum, stating, amongst other things, that she was a 16 year old born on 23 August 2002.
10. The respondent undertook an age assessment of the applicant, which was completed on 8 February 2019. The assessment was carried out by two social workers: Emma Ditchburn and Emma Hollis. Their conclusion was that the applicant was born on 23 August 1995.
11. The applicant applied for judicial review on 13 March 2019. Permission was granted on 15 July 2019.

The Issue to be Determined and Legal Framework

12. The sole issue for me to determine is the applicant's age and date of birth.
13. It is extremely difficult to assess a young person's age. There are no reliable medical or other scientific tests.
14. It is necessary consider carefully the evidence produced by both parties. However, I am not confined to choosing between their positions and must decide for myself, having considered all the material before me, the applicant's age on the balance of probabilities (there being no legal burden).
15. I have kept in mind that whilst the applicant's age may be uncertain, what is certain is that she is an extremely vulnerable person who does not speak English, is unfamiliar with the society and culture in the UK, and the process she has gone through (including an age assessment that involved five interviews, as well as an initial visit that was not formally part of the age assessment) is a highly stressful one. I have also kept in mind that a sympathetic assessment is required where no margin of discretion is afforded to the view of the respondent: see *R (A) v London Borough of Croydon (Rev 1)* [2009] UKSC 8 and *R (CJ) v Cardiff CC* [2011] EWCA Civ 1590.

The Evidence

16. I have considered all of the evidence submitted by the parties. This includes:
 - a. The applicant's account, as set out in two witness statements (dated 12 March 2019 and 4 February 2020) and her oral evidence at the hearing, where she was cross examined by Mr Parkhill.
 - b. The respondent's age assessment dated 9 February 2019, along with the witness statements of the two assessors and their manager Mr Macauley.
 - c. The witness statement (and oral evidence) of the applicant's former social worker Anaeka Fayaz.

- d. The passport (and other documents) in the possession of the applicant when she entered the UK.
- e. The expert report of Dr Muzong Kodi dated 28 October 2020 and his response to supplemental questions dated 31 October 2020.
- f. Documents disclosed by the Home Office including The Initial Contact and Asylum Registration Questionnaire that was completed following a screening interview with the applicant on 27 September 2018, a witness statement of a specialist document examiner who considered the applicant's passport, and correspondence between the respondent and the Home Office.

The applicant's account

- 17. The applicant claims that she was born in the DRC on 23 August 2002 and that she has known her date of birth for as long as she can remember. She claims that although birthday parties were not held in her family, she would often be given presents and be informed of her age.
- 18. She claims that she has two older half-siblings (who have the same father but different mother). She states that she does not know how old they are, but that they are adults.
- 19. She claims to have attended school until the end of the fourth grade and that she left the DRC before the start of fifth grade, when she had just turned 16.
- 20. She claims that her father was a politician for the opposition in the DRC who died of natural causes in 2016 and that following his death her mother moved to her village of Lubumbashi, leaving her with her sister. The applicant states that she did not go with her mother because she wanted to continue to study.
- 21. She claims that after her father's death she was threatened by men who would often follow her, including when she went to school, and that she was always afraid; but that she never told anyone. She states that a few weeks before she left the DRC she was attacked and raped by men who she believes did this because of her father's political career.
- 22. She claims that after the rape (which would have been in around July or August 2018, according to her chronology) she sought (and received) assistance from a friend of her late father, whom she refers to as Papa Roger. She states that Papa Roger obtained for her tickets to travel to Switzerland (via China and the UK) and a false passport and other documents; and also gave her \$500. She states that she does not know how Papa Roger obtained the passport and other documents, but that she was told by him that she would need to have a passport showing that she was an adult to be able to travel abroad. The applicant stated in cross-examination that she did not ask either her mother or sister for assistance following the rape, but only Papa Roger.

23. In her statement the applicant states that she never had any ID documents or a passport before these were obtained for her (with false information, to show she was an adult) by Papa Roger. She stated that the signature on the passport and voter's card obtained by Papa Roger are not hers.
24. She claims that when she arrived in China she did not know where to go or what to do, or when she would continue her journey to Switzerland. She claims that she was unable to understand the tickets for her onward travel from China because they were in English. Despite not knowing when her flight would leave, she took a taxi to a hotel (which she describes as having lots of other African people in it) where she met a woman who spoke Portuguese Lingala who told her that her flight was in two weeks' time. She claims that she stayed in the hotel and was then taken by the woman to the airport.
25. She claims that Papa Roger arranged for someone to meet and assist her in Switzerland, but not in China or the UK. She claims to not have contacted anyone in the DRC since she left.
26. In response to several questions asked by Mr Parkhill during cross examination, the applicant's response was that she did not know or remember. For example, she did not know whether there was a school in her mother's village where she could have continued her education, she did not know the age of her siblings or her parents, she did not know why Papa Roger bought her a ticket to China and did not tell her that she would be staying there for 2 weeks, she did not remember worrying that she might miss a connecting flight, she did not remember when men started following and threatening her (or why she formed the view this was connected to her father), and she did not know what her father's political role had been.
27. Mr Parkhill drew to the applicant's attention that the date of issue recorded on her passport is 18 January 2016, which is over two years prior to the date she claimed it had been obtained by Papa Roger. The applicant said she did not know why this was the case.
28. Mr Parkhill also drew to the applicant's attention paragraph 3.2 of the Initial Contact and Asylum Registration Questionnaire that was completed following a screening interview on 27 September 2018, the day after she arrived in the UK (hereafter "the screening interview"), where it is recorded that in response to a question about whether she had ever been fingerprinted in any country including her own, she stated: "in Congo - for passport purposes in 2016. In China - at the airport". The applicant's response was that she could not remember saying this and she had not applied for a passport in 2016.
29. The applicant stated in cross examination that she telephoned Papa Roger to ask for his assistance, and spoke to him on the telephone the day before she left the DRC, but has not telephoned, sent a text to, or written to, him since leaving. In response to Mr Parkhill asking why she had not contacted Papa Roger, the applicant's response was that she did not have his telephone number as she had thrown away the SIM card.

When pressed for an explanation by Mr Parkhill, she said she had discarded the SIM card because Papa Roger had said she did not need it. She was clear in her answers to Mr Parkhill that since coming to the UK she has not contacted any family or friends in the DRC.

The applicant's passport and voter's card (including expert evidence about the documents)

30. The applicant's passport and voter's card record a date of birth of 23 August 1995.
31. A witness statement by a specialist document examiner from the Home Office, Mr Watterson, states that the passport is as expected (and appears genuine) but contains counterfeit French and Belgian Immigration stamps. Mr Watterson was unable to comment on the validity of the issuing process or whether the document was fraudulently obtained.
32. In a report dated 28 October 2020, Dr Kodi, an expert instructed by the applicant with recognised expertise, expressed his opinion that the applicant's passport and voter's card appeared to be authentic. However, he stated that false documents can easily be obtained and that it was likely that Papa Roger was able to bribe a civil servant to acquire a national identity card with the false birth date in order to obtain the passport for the applicant. He also stated that the applicant would not have been able to leave the DRC as an unaccompanied child.
33. In response to supplemental questions, Dr Kodi stated that a voter's card could be used to obtain a passport.
34. The issue date on the applicant's passport, as mentioned above, is 18 January 2016. Dr Kodi did not comment on the plausibility of the issue date on an authentic passport obtained with false information being over two years earlier than the date it was in fact issued.
35. The applicant relies on screenshots taken from the Internet which, it is said, show that the address on her passport is of a church.
36. At paragraph 3.2 of the screening interview, as noted above, it is recorded that in response to a question about whether she had ever been fingerprinted in any country including her own, the applicant stated that in 2016 she had been fingerprinted "for passport purposes" in the DRC.

The respondent's age assessment

37. The age assessment involved five visits to the applicant by two assessors, Emma Ditchburn and Emma Hollis. In addition, an initial visit was undertaken by different social workers on 16 October 2018. The applicant's answers to questions during this visit are referred to in the age assessment.
38. The age assessment report includes a detailed review of the applicant's account of her family and the circumstances leading up to, and occurring during, her departure

from the DRC, as well as observations on her self-care skills, demeanour, appearance, independence and friendships.

39. It is stated in the report that the applicant was inconsistent in what she said about her schooling, her family relationships, when she left the DRC, who supported her to leave, her journey to the UK, and her self-care skills. The report states:

"When taking into account the information that [the applicant] has shared during this assessment, coupled with her physical appearance and development, I cannot conclude that [she] is the age that she is stating to be. Based on the inconsistencies in her story and her appearance, I am of the view that the date of birth that [she] is providing is incorrect. I am of the view that she is the age that is stated on her passport."

40. It is also stated that her demeanour, self-care and independence skills are in line with a 23-year-old. The report also takes into consideration that the Home Office specialist reached the view that the applicant's passport is authentic.

Witness statements of Emma Ditchburn, Emma Hollis and Peter Macauley

41. Both Ms Ditchburn and Ms Hollis stated in their statements that the age assessment decision was made based on a range of factors, including the large number of discrepancies in the applicant's account, her demeanour, physical appearance and self-care skills, as well as the confirmation from the Home Office that the passport was genuine.
42. Mr Macauley submitted two statements. They both seek to explain why notes taken during the age assessment sessions were not retained, and therefore were not disclosed.

Evidence of Ms Fayaz's

43. Ms Fayaz was the applicant's social worker from 10 February 2020 to 23 August 2020. In her witness statement, she states that the applicant regularly went to Derby on her own and appeared to have good independent living skills. At paragraph 14 of the statement she stated:

I often found the applicant to be quite cold towards me. I would say that I had poor engagement from her. I recall that she could also have inappropriate facial expressions during conversations with her, for example rolling her eyes or not making eye contact with me. In my opinion, she came across as older than she stated she was. This was not just based on her appearance but rather her demeanour, attitude, the way she talked at times and her responses. In my dealings with her, I found that she could be very mature.

44. In response to Ms Benfield, Ms Fayaz acknowledged that several factors she identified in her statement (specifically, the applicant's demeanour, lack of eye contact and attitude) did not necessarily mean that she was older than claimed, and could be a result of her personality irrespective of age.

The Respondent's Submissions

45. Mr Parkhill argues that the applicant's evidence lacked credibility, for several reasons.
- a. Firstly, he argues that the applicant's answers to questions were surprisingly vague. He gives several examples, including: she did not know how long she had held her voter ID card; she did not know, even approximately, how long before she left the DRC Papa Roger gave her the tickets; she could not remember when she was first followed by men who she thought were targeting her due to her father's politics or when she was first threatened; and she did not give a reason why she did not tell her sister about the threats and being followed.
 - b. Secondly, Mr Parkhill argues that it is not credible that the applicant stated in examination in chief, when shown a copy of the Swiss Residence Card in her name, that she did not know what it was, even though it is referred to in her witness statement and she acknowledged that she recognised the document when pressed in cross examination.
 - c. Thirdly, he argues that the applicant's explanation for not remaining with her mother after her father died (which was that she wanted to continue with her education) was not plausible when her mother relocated to Lubumbashi, which is the second-largest city in the DRC.
 - d. Fourthly, Mr Parkhill argues that it is difficult to accept that the applicant did not keep a note of Papa Roger's telephone number, given he had arranged her journey and assisted her.
 - e. Sixthly, he submits that it is difficult to accept the applicant's account of not finding out when her flight from China departed until some days after her arrival in China, and only because, purely by chance, a woman intervened and assisted her.
 - f. Seventhly, he argues that the evidence indicating that the applicant applied for a passport in 2016 is fatal to her case.

The Applicant's Submissions

46. Ms Benfield argues that the applicant provided a clear and consistent account of her age and date of birth, which is plausible and consistent with external evidence. She submits that given the applicant's age and traumatic experiences she cannot properly be expected to provide an entirely consistent account; and given the passage of time, as well as the trauma she suffered shortly before leaving the DRC, any vagueness in her account should not be viewed as an indicator of dishonesty. Therefore, the inability to remember how long she held the voter's card and tickets, or when she was first followed by associates of her father, does not indicate a lack of credibility.

47. Ms Benfield also argues that the applicant's education history is consistent with her claimed age and that her account of being a victim of sexual violence, and threatened because of her father, is consistent with country evidence about the DRC.
48. Ms Benfield maintains that it is plausible the applicant did not recognise the Swiss Residence Card at the hearing given she could not read the document.
49. She also argues that there is no reason to doubt the applicant's explanation for not relocating with her mother, which was that she wished to continue with her education. With respect to the respondent's contention that there would be schools in Lubumbashi as it is the second-largest city in the DRC, Ms Benfield argues that this point had not been put to the applicant and is not supported by evidence.
50. A further point made by Ms Benfield is that, because the DRC is a patriarchal society, it is not incredible that the applicant turned to Papa Roger rather than her sister for assistance.
51. Ms Benfield contends that it is credible that the applicant did not keep a note of Papa Roger's phone number, given that she had been told by him that on arrival in Switzerland someone would help her and they would be able to speak to him.
52. Ms Benfield also submits that it is credible that because of the trust the applicant had in Papa Roger she did not take steps to understand her travel documents or onward travel arrangements.
53. Ms Benfield accepts that the applicant's passport and voter's card are on balance likely to be accepted as genuine in the sense that they were issued by DRC authorities and bear standard features of such documents. However, she argues that it is unlikely these documents contain genuine information (including as to the applicant's age).
54. She argues that the applicant entered the UK with a range of documents, some of which were counterfeit (the Swiss residence and health cards), and the passport contained counterfeit stamps. Ms Benfield argues that the counterfeit documents and stamps are sophisticated, which indicates that they were obtained by experienced counterfeiters who had access to counterfeit stamps, understood EU processes in issuing residence and health cards, and had access to a range of counterfeit templates and materials. She states that the tribunal cannot disaggregate the passport and view it in isolation but rather must see it as part of a package of documents that were intended to mask the applicant's travel history, background and identity. She submits that all of the documents must be viewed together and are "tainted by forgery".
55. Ms Benfield submits that the applicant has been consistent in her account of how the documents were obtained, and that her account is plausible and consistent with the evidence of Dr Kodi both about how a falsified passport would be obtained and the applicant's need for one as an unaccompanied minor.

56. With respect to the date of issue (18 January 2016) recorded on the passport, Ms Benfield submits that it is plausible that an earlier issue date is a device to make a passport appear to be genuine. She argues that the applicant confirmed in evidence that the signature on the passport is not her signature and she submits that the signature on her witness statement is "significantly different" from the passport. Ms Benfield argues that further doubt about the passport arises from the address given in it, which is not a residential address but a church.
57. With regard to the applicant saying at the screening interview that she was fingerprinted for passport purposes in the DRC in 2016, Ms Benfield submits that the applicant said in evidence that she did not remember saying this and confirmed that she was not fingerprinted in relation to the DRC passport. Ms Benfield states that answers are not recorded verbatim in screening interviews and that it is possible that there was a misunderstanding or misinterpretation of what the applicant said.

Analysis

58. There is a significant inconsistency in the applicant's account. She stated (both in her witness statement and in response to questions asked by Mr Parkhill) that she had never had a passport prior to Papa Roger obtaining one for her (using false information) shortly prior to her leaving the DRC. According to her account, the passport would have been obtained by Papa Roger between July and September 2018.
59. However, during her screening interview on 27 September 2018 (the day after she arrived in the UK) the applicant stated, in response to a question asking her whether she had ever been fingerprinted, that she had been fingerprinted in the DRC for passport purposes in 2016. The applicant claims not to remember saying this. Whether or not she remembers saying it, given that it is recorded in the Initial Contact and Asylum Registration Questionnaire as her answer, that the interview was carried out by a French speaker, and that she signed a declaration confirming that the details given were correct, I am satisfied that the applicant did in fact say to the interviewing officer at the screening interview what it records her as saying.
60. There are aspects of the applicant's account that I find are not plausible. These are:
 - a. The applicant has not given a plausible explanation for why she has not contacted any of her family or Papa Roger since she left the DRC. Her account was that she contacted Papa Roger by mobile telephone shortly before leaving the DRC. In response to a question from Mr Parkhill asking why she had not contacted Papa Roger since leaving the DRC, she stated that she threw away her SIM card in the DRC, as Papa Roger said she did not need it and someone would assist her in Switzerland. Whilst it might be plausible that a person in the applicant's position would lose her phone (or a piece of paper where she had written down important telephone numbers) it is not plausible that shortly before embarking on a flight to China she would intentionally discard her only means of communication and the contact details for her family and Papa Roger. This is particularly the case when by her own account Papa Roger had arranged

for a person to meet her in Switzerland and plainly it might have been necessary to contact Papa Roger (or for this person to contact her by telephone or internet) to arrange where and how to meet. It is also implausible that she would not have wanted to retain a telephone number for (or a means of contacting) her sister, with whom she had lived for several years, or any friends or family in the DRC.

- b. The applicant has not given a plausible explanation as to why she would embark on a seemingly perilous journey to Switzerland via China and the UK (with a two-week stay in China without any accommodation or support arranged, or even knowledge of when the onward flight to the UK was scheduled) when she could have avoided the claimed threats and danger by moving to her mother's village to live with her mother. Her explanation for not moving with her mother when her father died was that she did not want to disrupt her education, but plainly leaving the DRC in the way she did would have been even more disruptive to her education. Equally, a plausible explanation has not been given for why Papa Roger would spend a significant sum of money (purchasing tickets, obtaining several false documents and giving the applicant \$500) when he could have instead simply assisted the applicant in moving to her mother's village.
- c. The applicant's account of her journey to China is also not plausible. She claims to have arrived in China with no knowledge of when her onward flight to the UK was scheduled but despite this to have taken a taxi to a hotel from the airport. She has not given a plausible explanation as to why she would have left the airport without knowing when the onward flight would take place.

- 61. I recognise that even though something may appear implausible it may still have occurred. Therefore, had my only concern about the applicant's account been the apparent implausibility of some parts of it I would not necessarily have disbelieved her. However, considering the plausibility issues together with the glaring inconsistency between what she said at the screening interview and in her witness evidence about obtaining a passport in the DRC in 2016, I have reached the view that she has not been truthful in at least some material aspects of her account (including whether she obtained a passport in 2016). I therefore attach only little weight to her evidence. I have reached this conclusion even though I recognise - and make allowances for - the applicant's vulnerability; and have given her the benefit of the doubt.
- 62. I now turn to consider the applicant's voter's card and passport. The evidence of Dr Kodi suggests that both documents are authentic/genuine. However, his evidence indicates - and I accept as entirely plausible - that a genuine/ authentic document in the DRC can be obtained using false information. Given that the applicant would be prevented from leaving the DRC if she were under 18, I find that it is plausible that a person under 18 wishing to leave the DRC could and would obtain a genuine/authentic passport using false information about their date of birth.

However, there are two reasons why I do not accept that this is what occurred in this case.

- a. Firstly, the date of issue written on the applicant's passport is 18 January 2016. Dr Kodi has explained how a person can obtain a passport using false information. He has not, however, explained how a bribed official, issuing a passport with a false date of birth, would be able to falsify the date of issue of the document. This seems, on its face, to be a much harder thing to falsify. There is no evidence before me that suggests that the applicant needed her passport to have an earlier issue date and therefore I consider it unlikely that Papa Roger (or the counterfeiter he engaged) would have sought this. I find that the date of issue being 18 January 2016 on the passport is a strong indication that the passport was in fact issued on 18 January 2016 and not in mid 2018.
 - b. Secondly, at her screening interview the applicant told the interviewing officer that in 2016 she was fingerprinted in the DRC for passport purposes. I consider this to be a very strong indication that the passport was obtained in 2016 and not 2018.
63. Ms Benfield argued that the applicant's signature on the passport is different to her signature on her witness statement. In the absence of any expert evidence comparing the signatures I am unable to form a view one way or the other as to whether the signature has been written by the same person.
 64. Ms Benfield also argued that an internet search showing that a church is located at the address on the applicant's passport indicates that the passport is not a genuine document. Mr Parkhill stated in his submissions that it cannot be discerned from the evidence submitted whether there are units of accommodation at the address in addition to the church and how long the church has been at this location. Mr Parkhill also commented that one would expect that false documents would be obtained with details which are plausible, rather than with details which can easily be seen to be false. I agree with Mr Parkhill and for these reasons attach only little weight to the internet search results.
 65. Even though there are unanswered questions about the passport, I am satisfied that the evidence strongly supports the view (and certainly to the balance of probabilities standard) that the passport was obtained by the applicant in 2016 using her own fingerprints. Given that the applicant has not identified any reason why she would have used a false date of birth in 2016, I consider it (far) more likely than not that the passport was obtained in 2016 using her genuine date of birth. I conclude, therefore, that the date of birth on the passport is the applicant's actual date of birth.
 66. In reaching this conclusion, it has not been necessary to place any reliance on the evidence of the social workers or the age assessment report. For completeness, however, I should state that I do not, in any event, place any weight on this evidence, for two reasons. Firstly, the observations about the applicant's self-care skills, demeanour, appearance and friendships could apply equally to a 16-yearold as to a

23-year-old. Secondly, the comments in the age assessment report about the applicant's passport and the account of her family and journey to the UK were of no assistance to me in ascertaining her age as I was able to form my own view on these points based on the evidence before me (including oral evidence of the applicant and an expert report that was not available to the social workers) and with the assistance of the submissions from Counsel.

Conclusion

67. I find that the applicant is (and was on arrival to the UK) an adult, and that she was born on 23 August 1995.

D. Sheridan

Upper Tribunal Judge Sheridan

11 December 2020