



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: UI-2023-
003944

[PA/56099/2022]
LP/00976/2023

THE IMMIGRATION ACTS

Decision & Reasons Issued:
On the 31 July 2024

Before

Deputy Upper Tribunal Judge MANUELL

Between

Ms G S G
(ANONYMITY DIRECTION MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Heard at FIELD HOUSE on 26 July 2024

Representation:

For the Appellant: Mr K Gayle, Solicitor
(Elder Rahini Solicitors)

For the Respondent: Miss H Gilmour, Home Office Presenting Officer

DECISION AND REASONS

1. The Appellant appealed with permission granted by Upper Tribunal Judge Lindsley against the decision of First-tier Tribunal Judge Sweet who had dismissed the appeal of the Appellant against the refusal of her international protection

claim. The decision and reasons was promulgated on or about 30 July 2023.

2. The Appellant is a national of Eritrea, born on 7 December 1961. The Appellant had entered the United Kingdom on 13 June 2022 from Saudi Arabia with an Overseas Domestic Worker – private household visa, expiring on 11 November 2022. The Appellant claimed asylum on 4 October 2022, so the Nationality and Borders Act 2022 applied as the Judge noted. The Appellant claimed in summary that she was at risk on return to Eritrea from the government of Eritrea because of what she had said at a meeting at the Eritrean Embassy in Jeddah in October or November 2021.
3. In a brief decision of four pages, Judge Sweet found that the Appellant’s evidence was incredible. Noting that the UNHCR guidelines stipulate that the lack of corroborative evidence does not necessarily undermine a claim, the Judge said “in my opinion there is no reason why the Appellant could not have provided further evidence”: see [9] of the decision. He further stated “No documentation was provided by the Appellant in support of her account save for her own oral evidence”: see [10] of the decision.
4. Upper Tribunal Judge Lindsley considered that it was arguable that Judge Sweet had materially erred by unlawfully requiring corroboration of the alleged meeting and in not identifying what that corroboration should be. The Judge had arguably further erred by holding against the Appellant her previous visits to Eritrea when they had all occurred prior to the alleged meeting. Permission to appeal was granted accordingly.
5. No notice under rule 24 had been served by the Respondent. Miss Gilmour for the Respondent informed the Tribunal at the start of the hearing that she accepted that the judge had materially erred in law as Upper Tribunal Judge Lindsley had indicated in her decision dated 1 November 2023.
6. The tribunal agreed. When referring to the absence of corroboration, possibly the Judge had in mind TK (Burundi) v SSHD [2009] EWCA Civ 40. There the Court of Appeal said that where there were circumstances in which evidence corroborating the appellant’s evidence was easily

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