



**Upper Tribunal  
(Immigration and Asylum Chamber)  
AA/02020/2014**

**Appeal Number:**

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 18 September 2014**

**Determination Sent  
On 25 September 2014**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE PLIMMER**

**Between**

**MD  
(ANONYMITY DIRECTION MADE)**

Appellant

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr Bartram (Migrant Law Partnership)

For the Respondent: Ms Kelly (Home Office Presenting Officer)

**DETERMINATION AND REASONS**

1. The appellant is a citizen of Turkey. He appealed against a decision dated 19 March 2014 to remove him from the United Kingdom (UK) on asylum grounds.
2. I have made an anonymity order because this

determination relates to sensitive matters regarding the appellant's asylum claim.

### **Procedural history**

3. This is a matter that has previously been considered by First-tier Tribunal Judge Kelsey in a determination promulgated dated 12 June 2014. She dismissed the appellant's appeal on asylum grounds. The appellant appealed against this decision relying on one ground of appeal. Judge Pooler has granted permission to appeal on 18 July 2014 and the matter now comes before me to decide whether or not the determination contains an error of law.

### **Hearing**

4. Mr Bartram focused on one ground of appeal - he submitted that the Judge had erred in law in requiring the appellant to provide corroborative evidence of his asylum claim.
5. Ms Kelly reminded me that there were a number of reasons why the Judge found that the appellant's account was not credible to the lower standard to the standard of proof and in the circumstances the findings on credibility were sustainable.
6. At the end of submissions I reserved my decision, which I now provide with reasons.

### **Findings**

7. I entirely accept that Judge Kelsey has made numerous references to an absence of supporting evidence / documents. I also accept that it is a misdirection of law to imply that corroboration is necessary for a positive credibility finding - see ST (Corroboration - Kasolo) Ethiopia [2004] UKIAT 00119.
8. Although the determination is lengthy (8 pages), the Judge has in effect provided very short reasons for not accepting the credibility of the appellant's account. The Judge was clearly concerned that having mentioned that his friends were arrested with him in 2011 [19] he made no mention of them again or what happened to them at the time [20]. The Judge clearly regarded this evidence as 'sweeping and threadbare'. The Judge also noted a glaring inconsistency regarding the 2012 arrest [22]. This

should be viewed in the context of the respondent's submissions, which highlighted inconsistencies and the possible reasons for these [13]. The Judge was of the clear view that the appellant's evidence was 'extremely threadbare' / 'extremely vague' [23]. The Judge heard evidence from the appellant and has set out a summary of his evidence [11 and 12]. The Judge was entitled to find that evidence extremely vague as well as containing inconsistencies.

9. The Judge has commented that as a matter of fact there is little to support the appellant's account, and this is repeated at various points throughout the determination. The Judge was entitled to take into account the absence of supporting evidence and to comment that such evidence would have been 'relatively easy' to obtain [20]. These were issues of fact for the Judge to assess. When the determination is read as a whole I do not consider that the Judge required corroboration in order to make a positive credibility finding. The Judge's credibility finding is influenced by a number of factors including inconsistencies and extreme vagueness. In such circumstances the Judge was entitled to comment on the absence of supporting evidence. Whilst it would have been more helpful for the Judge to give more detailed reasons for disbelieving the appellant's account, sufficient reasons have been provided and the Judge has not required corroboration in order to reach a positive credibility finding. The Judge has commented on the absence of supporting evidence in the context of evidence he regarded to be inconsistent and extremely vague.

### **Decision**

10. I find that the First-tier Tribunal has not committed an error of law and I do not set aside the decision.
11. I dismiss the appellant's appeal.

Signed:

Ms M. Plimmer  
Deputy Judge of the Upper Tribunal

Date:  
19 September 2014