



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: IA/17508/2013

THE IMMIGRATION ACTS

Heard at Glasgow
on 2 September 2014

Determination promulgated
On 4 September 2014

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

HASSAM MOHAMED

Respondent

For the Appellant: Mr K Young, Senior Home Office Presenting Officer

For the Respondent: Mr A Devlin, Advocate, instructed by Ethnic Minorities Law
Centre, Glasgow


No anonymity order requested or made

DETERMINATION AND REASONS

1. The parties are as described above, but are referred to in the rest of this determination as they were in the First-tier Tribunal.
2. The SSHD appeals, on grounds of failure to give adequate reasons, against a determination by First-tier Tribunal Judge Clough, allowing the appellant's appeal against refusal of his long residence application. The determination gives these reasons:

8. I find the appellant's evidence and the evidence produced on his behalf credible because of the detail in the documentary evidence and because I found the appellant a credible witness.

9. I accept the appellant arrived in the UK in January 1994.
3. The finding at ¶9 was on the crucial issue. (A shorter period of proved residence might have been enough, but that does not matter for present purposes.) Mr Young said that there was no explanation of why the appellant and the person using the false identity under which he claimed to have lived for many years are found to be one and the same.
 4. Mr Devlin has cited most of the case law on sufficiency of reasons in his list of authorities. There is also *Khan* [1983] QB 790, on which the SSHD's grounds rely. Representatives were not at odds on the relevant principles, but on whether this determination is, in light of those principles, adequate.
 5. Mr Devlin's argument (summarised, and omitting citations) was that reasons need to be adequate for the *informed* reader; the SSHD had the appellant's detailed skeleton argument in the FtT, which clearly sets out his case by reference to his documentary evidence, also before the SSHD; a judgment should not be upset unless a party with knowledge of the evidence and submissions is unable to understand why the decision is adverse; where there is no competing oral evidence, and no discrepancies to resolve, little more need be said than that a witness is found reliable; it was not ideal for the determination to leave the reader to cross-refer to other sources to find its sense, or simply to adopt one side's position, and it was at "the outer edge" for adequacy of reasoning, but it was sufficient.
 6. I preferred the submission for the appellant. It is not good practice to adopt the case of one side wholesale, or simply by reference. It is a virtue to be succinct, but there should have been a few sentences explaining the coherence of the appellant's well-presented evidence, oral and documentary. However, even by reference to the respondent's selected case, *Khan*, this determination contains the necessary minimum: consideration of the point at issue, and an indication of the evidence on which the conclusion is based. There is a degree of disingenuousness in the grounds. The respondent knows the appellant's case, and could properly say why it might not have been capable of success. There was a large body of evidence to show that the appellant has been in the UK in his assumed identity since 1994. The respondent does not say that there were any deadly points made in the original decision or in submissions at the hearing with which the judge failed to deal. The determination of the First-tier Tribunal shall stand.



2 September 2014
Judge of the Upper Tribunal