



dated 14<sup>th</sup> April 2015. The Appellant appealed, and his appeal was heard by Judge of the First-tier Tribunal Chapman (the Judge) sitting at Birmingham on 6<sup>th</sup> September 2016. He decided to dismiss the appeal for the reasons given in his Decision dated 12<sup>th</sup> September 2016. The Appellant sought leave to appeal that decision and such permission was granted.

### **Error of Law**

2. I must first decide if the decision of the Judge contained an error on a point of law so that it should be set aside.
3. The Judge dismissed the appeal because he found the evidence of the Appellant lacking in credibility and therefore did not believe that the Appellant was a citizen of Syria who was born in April 1988. The Judge took into account the conclusion of a Linguistic Origin ID Identification Report (LOIDR) which was that the Appellant was not a citizen of Damascus in Syria. The Judge also took into account an Age Assessment Report which concluded that the Appellant was not as young as claimed.
4. At the hearing before me, Mr Janjua argued that the Judge had erred in law in coming to his conclusion about credibility. He referred to the Grounds of Application and argued that the Judge's assessment of credibility was contaminated by his acceptance of the Age Assessment Report even though it was not **Merton** compliant. Further, the Judge had relied upon the LOIDR even though it was inconclusive about the Appellant's nationality. The Judge had failed to comply with the decision in **SSHD (Appellant) v MN and KY (Respondents) (Scotland) [2014] UKSC 30**. Finally, Mr Janjua said that the Judge had not taken into account all of the other evidence and in particular the witness statements.
5. In response, Mr Mills submitted that there was no such error of law. As the Judge stated at paragraph 53 of the Decision, he had taken into account all of the evidence in the round and had treated the LOIDR as only one factor. Although not conclusive, the LOIDR had given a strong indication that the Appellant was not a Syrian from Damascus and the Judge had treated it accordingly. There had been no attempt by the Appellant to rebut the conclusion of the Report by way of other expert evidence. It was the case that the Age Assessment Report was not **Merton** compliant, but two social workers had believed that the Appellant was over the age of 18 years and therefore the Judge was entitled to attach weight to it. In any event, the Judge had given a number of other factors for finding the evidence of the Appellant lacking in credibility. He had not overlooked any of the witness evidence.
6. I find no error of law in the decision of the Judge which I therefore do not set aside. In my view, the Judge carried out a thorough analysis of all the evidence before him and came to a conclusion concerning credibility which was open to him on that evidence. The Judge identified a number of inconsistencies in the Appellant's evidence and found that the Appellant had been evasive during his interview. The Judge carefully analysed the contents of the LOIDR in paragraphs 47 to 52 inclusive of the Decision and explained why he attached weight to the conclusion of that

Report that the Appellant did not originate from Damascus in Syria. As the Judge stated at paragraph 46 of the Decision, he took into account the guidance given in **MN and KY**. Likewise, the Judge explained at paragraph 42 of the Decision why he found that the Appellant had tried to manipulate his age in order to improve his chances of obtaining asylum, and it was open to the Judge to find that this factor significantly undermined the Appellant's credibility.

7. To summarise, I find that the Judge came to a decision about the Appellant's credibility which was open to him on the evidence and which he fully explained.
8. Ground 2 of the Grounds of Application relate to the Judge's finding as to risk on return to Syria. As there is no error of law in the Judge's decision that the Appellant is not a citizen of Syria, this ground is irrelevant.

### **Notice of Decision**

9. The making of the decision of the First-tier Tribunal did not involve the making of an error on a point of law.

I do not set aside that decision.

The appeal to the Upper Tribunal is dismissed.

### **Anonymity**

10. The First-tier Tribunal did not make an order for anonymity. I was not asked to do so and indeed I find no reason to do so.

Signed

Dated 22<sup>nd</sup> May 2017

Deputy Upper Tribunal Judge Renton