



**Upper Tribunal
(Immigration and Asylum Chamber)
AA/11914/2015**

Appeal Number:

THE IMMIGRATION ACTS

Heard at Field House

On 9 May 2017

**Decision &
Promulgated
On 31 May 2017**

Reasons

Before

DEPUTY UPPER TRIBUNAL JUDGE FROMM

Between

**I U K H
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr N Paramjorthy of Counsel, Mansfield Chambers
For the Respondent: Ms S Kandola, Home Office Presenting Officer

DECISION AND REASONS ON ERROR OF LAW

1. The appellant is a citizen of Sri Lanka who gives his date of birth as 29 October 1978. The anonymity direction made by the First-tier Tribunal is continued.
2. The appellant came to the UK in March 2001 as a student and he extended his leave in that capacity until April 2009 since when he has not had leave.

Applications for further leave as a student and on human rights (private and family life grounds) were refused. Following his detention, he claimed asylum on the basis of his fear of the authorities who have imputed political opinion to him. The appellant's appeal was heard and allowed in early 2016 but a decision of the First-tier Tribunal was set aside by the Upper Tribunal and remitted to the First-tier Tribunal with no findings of fact preserved. The appeal was heard again at the Hatton Cross Hearing Centre in January. In a decision promulgated on 23 February 2017 the First-tier Tribunal dismissed the appellant's appeal on all grounds.

3. The appellant now appeals with the permission of the First-tier Tribunal, on the basis the decision contains a material error of law. A Rule 24 response was filed by the respondent opposing the appeal and arguing that the decision of the First-tier Tribunal Judge is adequately reasoned.
4. I heard oral submissions from the representatives as to whether the decision is vitiated by material error of law.
5. Mr Paramjorthy argued that the First-tier Tribunal had failed to address corroborative evidence provided by the appellant's current partner in two witness statements. The high point of his argument in my judgment is the sentence in the middle of paragraph 24 of the judge's decision at page 8:

"The information the appellant's current wife is relying on is based on what the appellant has told her".

6. Mr Paramjorthy pointed out that is not an accurate description of her evidence which had gone further than that.
7. Mr Kandola argued that, in essence, the First-tier Tribunal Judge had looked at all the evidence in the round and disbelieved the claim, as he was entitled to do. In response
8. Mr Paramjorthy said that submission did not address his main point about the appellant's wife's evidence.
9. Having considered the submissions made I have decided that the decision of the First-tier Tribunal shall stand and I dismiss the appellant's appeal. My reasons are as follows.
10. I do not find that the decision of the First-tier Tribunal contains a material error of law with regard to the treatment of the appellant's current partner's evidence. It has been suggested that the Judge ignored the evidence contained in her witness statements and focussed solely on oral evidence. However, in paragraph 11 of his decision the Judge referred to the appellant's current partner adopting her statements. It is unarguable that the Judge did not take account of that evidence notwithstanding the fact there is no specific reference to it in the findings section of the decision.

11. In my judgment, the infelicitous wording of one sentence in paragraph 24 is not sufficient to collapse the entire edifice of the judge's decision. If any authority were required, which I doubt, it could be found in *Budhathoki (reasons for decisions)* [2014] UKUT 341 (IAC). This case emphasised the distraction between the necessity for the First-tier Tribunal to identify and resolve key conflicts in the evidence and to give reasons for preferring one case to another and the unhelpfulness of unnecessarily lengthy judgments in which the Tribunal seeks to rehearse every detail or issue raised in the case. The latter is not a proportionate approach. In my judgment, the point raised by the appellant and argued by Mr Paramjorthy with his usual skill falls into the latter category and there is no material error on the part of the First-tier Tribunal in failing to set out the contents of the partner's statements.
12. The other point relied on in the grounds and referred to in the grant of permission is the rogue reference in paragraph 24 to Kabul. It is an unfortunate drafting error but simply not a material direction. It is quite clear that the Judge had at the front of his mind that the appellant is from Sri Lanka.
13. There are no other points requiring consideration.

Notice of Decision

The First-tier Tribunal's decision does not contain a material error of law and shall stand.

The First-tier Tribunal's anonymity direction is continued.

Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until a Tribunal or court directs otherwise, the Appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him or any member of their family. This direction applies both to the Appellant and to the Respondent. Failure to comply with this direction could lead to contempt of court proceedings.

Signed

Date 12 May 2017

Deputy Upper Tribunal Judge Froom

TO THE RESPONDENT **FEE AWARD**

I have dismissed the appeal and therefore there can be no fee award.

Signed

Date 12 May 2017

Deputy Upper Tribunal Judge Froom