



**Upper Tribunal
(Immigration and Asylum Chamber)**

Appeal Number: PA/04208/2015

THE IMMIGRATION ACTS

**Heard at Field House
On 23 November 2018**

**Decision & Reasons
Promulgated
On 12 December 2018**

Before

DEPUTY UPPER TRIBUNAL JUDGE PEART

Between

**[T T]
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms Mughal, Solicitor

For the Respondent: Mr Jarvis, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant is a citizen of Turkey. She was born on 20 February 1994.
2. The appellant appealed against the respondent's decision to refuse her asylum, humanitarian protection and on human rights grounds dated 16 December 2013.
3. Judge Obhi (the judge) dismissed the appellant's appeal against the respondent's refusal in a decision promulgated on 3 September 2018. The judge did not find the appellant to be a credible witness. The judge found

that the appellant would not be at risk on return to Turkey and that as regards Article 8, the respondent's decision was proportionate.

4. The grounds claim there are

"...

(a) *a series of material errors within the determination on the basis of which, individually, the IJ's decision is unsustainable and this error was capable of preventing her from reaching an alternative decision."*:

Failing to place weight on the evidence of the appellant's brother.

Making an adverse finding that the appellant's sisters did not give evidence.

Failing to apply the presidential guide with regard to vulnerable adults.

*Failure to apply **IK (Returnees - Records - IFA) Turkey CG [2004] UKIAT 00312.***

*No adequate analysis of the **IK CG** risk factors.*

Failure to consider the current situation in Turkey".

5. Judge I D Boyes granted permission on 8 October 2018. The grounds read inter alia as follows:

"2. The grounds assert that the judge has made a wholesale failure to consider any and all risk factors or the familial link.

3. It would be wrong to say more, in light of the complaints about this judgment, other than the grounds do have merit and that they certainly are arguable. The apparent failure by the judge to deal with the list of risk factors in the detail required is arguably the error".

6. There was no Rule 24 response.

Submissions on Error of Law

7. Ms Mughal relied upon the grounds, in particular, that the judge had placed no weight on the evidence of the appellant's brother who had been recognised by the respondent as a refugee.

8. Mr Jarvis submitted that there was nothing in **IK CG** which suggested that the fact that the appellant's brother had been identified as a refugee was determinative of risk.

Conclusion on Error of Law

9. The judge made wholesale adverse credibility findings against the appellant and it is inevitable that it was against that background that the

appellant's brother's refugee status must be considered in terms of whether the judge materially erred.

10. The appellant had experienced no problems whatsoever. Her evidence was found not to be credible. See [60]. The grounds fail to establish how it is in the particular circumstances of this case that the appellant's brother's case was relevant. As the judge said at [40], the appellant's brother had no personal knowledge of the appellant's claim. He only heard of her claim through third parties. The appellant's circumstances can be readily distinguished from those in **IK**.
11. Ms Mughal did not pursue before me the submission contained in the grounds that the appellant was a vulnerable adult and that the judge failed to treat her as such.

Notice of Decision

12. The decision of the First-tier Tribunal contains no material error of law and shall stand.

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 her or any member of her 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
2018

Date 27 November

Deputy Upper Tribunal Judge Peart