



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

Appeal Number: PA/13767/2017

THE IMMIGRATION ACTS

**Heard at Field House
On 14th September 2018**

**Decision & Reasons
Promulgated
On 25th September 2018**

Before

DEPUTY UPPER TRIBUNAL JUDGE PEART

Between

**N A
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr O'Ceallaigh, Luqmani Thompson & Partners Solicitors
For the Respondent: Mr Melvin, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant stated that he was a citizen of Syria born on 16 August 1999.

2. Judge O'Malley (the judge) allowed his appeal in a decision promulgated on 2 July 2018. She found him to be a Syrian national at risk on return.
3. The grounds claim the judge failed to give reasons or any adequate reasons for finding on material matters and made perverse or irrational findings on matters that were material to the outcome. At [55] she said that whilst she was unable to find an explanation for his absence of clear knowledge regarding his local environs, she accepted he had some familiarity with aspects of life and Government in Syria. She was satisfied that he was from a small village in the south east of Syria and that he and his family were Bahdini Kurdish speakers, as opposed to the majority, Kurmangji speakers in the area.
4. The grounds claim that the judge failed to provide any adequate reasons for why the appellant's complete lack of knowledge about his home area did not completely undermine his claim to be a Syrian national. The respondent relied upon **Budhathoki (reasons for decisions) [2014] UKUT 00341 (IAC)** at [14]:

"We are not for a moment suggesting that judgments have to set out the entire interstices of the evidence presented or analyse every nuance between the parties. Far from it. Indeed, we should make it clear that it is generally unnecessary, unhelpful and unhealthy for First-tier Tribunal judgments to seek to rehearse every detail or issue raised in the case. This leads to judgments becoming overly long and confused. Further, it is not a proportionate approach to deciding cases. It is however, necessary for First-tier Tribunal Judges to identify and resolve the key conflicts in the evidence and explain in clear and brief terms their reasons for preferring one case to the other so that the parties can understand why they have won or lost".

5. The grounds claim that the judge's findings were perverse given what she found to be his vagueness with his local area, local landmarks and street marks and street names which the respondent claims was inconsistent with the appellant's claim to have lived in the area his entire life. There was nothing to suggest that the appellant was unable for any reason to provide consistent and credible evidence in relation to that aspect of his claim.
6. The grounds claim that the judge's findings affected the core elements of the appellant's claim, that is, his nationality and accordingly, the judge materially erred in law.

Submissions on Error of Law

7. Mr Melvin relied upon the grounds. I need not set them out again here. Mr O'Ceallaigh relied upon his Rule 24 response. The grounds claimed a complete lack of knowledge about his home area on the part of the appellant, whereas the judge's findings in that regard were more nuanced. The judge did not err.

Conclusion on Error of Law

8. Judge O'Malley carried out a careful and comprehensive analysis of the appellant's claim. The respondent chose not to cross-examine the appellant such that the judge was left with the burden of analysis without the benefit of the Presenting Officer testing the appellant's claim. The judge took into account the expert evidence which was inconclusive as to the appellant's linguistic origins. See [36]-[45]. The judge correctly set out her concerns. She said at [55] that she was unable to find an explanation for the appellant's absence of clear knowledge about his local environs. The judge did not say the appellant had a complete lack of knowledge about his home area. What she said was that he had some familiarity with aspects of life and government in Syria and that he had provided further evidence to support his claim although she reminded herself that no corroboration was necessary. Although she did not say so, it is apparent that she had in mind the lower standard of proof in terms of **Kaja [1995] Imm AR 1**. The judge was not obliged to be satisfied regarding every issue of the appellant's claim.

Notice of Decision

9. The grounds disclose no error of law. The judge's decision 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 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 14 September 2018

Deputy Upper Tribunal Judge Peart