



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: PA/00304/2019

THE IMMIGRATION ACTS

Heard at: Bradford  
On: 16<sup>th</sup> September 2019

Decision & Reason Promulgated  
On: 27 September 2019

Before

UPPER TRIBUNAL JUDGE BRUCE

Between

MYA  
(anonymity direction made)

Appellant

And

Secretary of State for the Home Department

Respondent

For the Appellant: Ms Patel, Counsel instructed by Legal Justice Solicitors  
For the Respondent: Mr Diwnycz, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The Appellant is a national of Syria born in 1987.
2. This protection appeal is allowed by consent of the Secretary of State so the reasons can be briefly stated.
3. The Appellant was refused protection on the 4<sup>th</sup> January 2019 because the Respondent was not satisfied that the Appellant was in fact a national of Syria. The Appellant appealed to the First-tier Tribunal. The Respondent placed reliance on a report prepared by an organisation called 'Verified AB'

which purported to be an expert linguistic analysis of the Appellant's spoken Arabic. Although the report was decidedly equivocal ("the language analysis can neither confirm nor refute the hypothesis") the Respondent submitted to the First-tier Tribunal that it undermined the Appellant's case. The Appellant therefore applied for an adjournment in order to obtain his own linguistic report. That adjournment was refused and the appeal was dismissed.

4. On the 17<sup>th</sup> July 2019 the matter came before The President Mr Justice Lane who found that the issue of the Appellant's spoken language was manifestly relevant to the only issue in the appeal, viz whether the Appellant was in fact Syrian. He found that the First-tier Tribunal should have adjourned the hearing before it in order that a further report could be obtained, and set the decision of the First-tier Tribunal aside for procedural unfairness.
5. By the time that the appeal had reached the court of Lane J the Appellant had obtained a new report, by a Professor Matras of the University of Manchester. Given the agreement between the parties I need not set out the detail of that report in writing, save to note that Professor Matras offers a cogent critique of the Verified AB report, and concludes that in his view the Appellant's spoken Arabic is "fully consistent" with him being a native of Daraa, Syria. Lane J made directions that the Respondent consider that new evidence before the case could proceed before the Upper Tribunal.
6. Before me today Mr Diwnycz has explained that the Respondent has done so, and accepts the evidence to be authoritative. The Respondent therefore intends to grant the Appellant refugee status. Mr Diwnycz is however under instructions that such status cannot be issued until the Appellant withdraws his appeal. For her part Ms Patel indicates that she has no intention of withdrawing the appeal until she has in writing that her lay client has been granted refugee status. I resolve that impasse by simply allowing the appeal on the grounds that the Appellant has discharged the burden of proof and demonstrated that he is indeed a national of Syria.
7. The direction regarding anonymity made by Mr Justice Lane on the 5<sup>th</sup> August 2019 remains in force.

### **Decisions**

8. The decision of the First-tier Tribunal contains an error of law and it is set aside.
9. The appeal is allowed on protection and human rights grounds.
10. There is an order for anonymity.

Upper Tribunal Judge Bruce  
16<sup>th</sup> September 2019