



**Upper Tribunal
(Immigration and Asylum Chamber)
PA/04287/2018**

Appeal Number:

THE IMMIGRATION ACTS

Heard at Field House

**Decision and Reasons
Promulgated**

On 8 August 2019

On 15 August 2019

Before

Deputy Upper Tribunal Judge MANUELL

Between

**Mrs SANDRA YANETH CAMANCHO DE LOS RIOS
(NO ANONYMITY DIRECTION)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms S Anzani, Counsel
(instructed by Nag Law Solicitors)

For the Respondent: Ms S Jones, Home Office Presenting Officer

DETERMINATION AND REASONS

1. Permission to appeal was granted by Upper Tribunal Judge Stephen Smith on 4 July 2019 against the decision to dismiss the Appellant's protection appeal made by First-tier Tribunal Judge Shore in a decision and reasons promulgated on 1 April 2019.

2. The Appellant is a national of Colombia, born there on 17 February 1971. She entered the United Kingdom twice as a visitor during 2017. She claimed asylum on her third visit, on 20 September 2017, after she had been refused leave to enter on the grounds of verbal deception. The Appellant asserted a fear in Colombia of paramilitaries and because of her imputed political opinion. Her protection claim was refused by the Respondent on 21 September 2018.
3. Judge Shore found that the Appellant's fear of return was not objectively well founded, for a number of reasons: see [61] onwards of his determination where those reasons are set out in detail and which need not be repeated here. The judge found that no part of her claim was credible. She could return safely to Colombia and reintegrate without difficulty. Thus the appeal was dismissed.
4. Permission to appeal was granted by Upper Tribunal Judge Stephen Smith because he considered it was arguable that the judge had not analysed the individual planks of the Appellant's claim, and that he had not taken into account all of the material evidence.
5. There was no rule 24 notice but Ms Jones indicated that the Respondent opposed the onwards appeal.
6. Ms Anzani for the Appellant relied on the grounds submitted and the grant of permission to appeal by the Upper Tribunal. Counsel submitted in summary that the judge's reasoning was defective. He had misstated the principles of Tanveer Ahmed* [2002] UKAIT 439 when considering the documents. The judge had not considered all of the evidence and had not made findings on all of the issues, such as the kidnapping. The determination was unsafe and should be set aside and the appeal reheard.
7. Ms Jones for the Respondent submitted that if the determination were read as a whole as it should be, it was clear that the judge had addressed every point and had reached findings open to him. Budhathoki [2014] UKUT 00431 (IAC) showed the correct approach and the judge's determination reflected those principles. The evidence before the judge was feeble and the Appellant was found to have no knowledge of some of the documents she had belatedly put forward. There was no material error of law in the First-tier Tribunal's determination and the judge's findings were sustainable. The appeal should be dismissed.

8. In reply Ms Anzani briefly reiterated her submissions as to the inadequacy of the judge's reasons.
9. The grant of permission to appeal was in the tribunal's view an over generous one, which did not reflect the true substance of the judge's determination. In reality the grounds of onwards appeal are simply an extended expression of disagreement with a full and careful decision.
10. As the judge correctly identified, the Appellant's credibility was central to the appeal. The country background evidence for Colombia was not in serious dispute. The Appellant's asylum application had many if not most of the hallmarks of a contrived claim: late claim made only after refusal of leave to enter, despite a claim of coming to the United Kingdom specifically to seek asylum, lack of detail and general vagueness, serious inconsistency, excessive coincidence and selected, doubtful documents produced post initial claim with no context.
11. The judge set out the background to the claim, and provided a full and accurate summary of the evidence and also of the submissions made by the parties. The judge recorded that he had warned the Appellant during cross-examination that her evidence was too vague and generic, and that she needed to give more thought and care to her answers. (There was no suggestion at any stage of interpretation issues.) At [40] of the determination the judge records that, notwithstanding his helpful warning, the Appellant when asked whether the threats to her came from paramilitaries replied "I couldn't tell you". Thus the feeble tenor of the Appellant's evidence was well established before the judge reached the stage of discussion and findings.
12. As noted above, the judge provided detailed reasons for finding that none of the Appellant's evidence was credible. This was not a selective analysis but one demonstrated by key examples. That global finding meant, perfectly obviously, that the Appellant's entire case was rejected, including her claims of past persecution. Nothing more was needed by way of findings. The judge's reference to Tanveer Ahmed* might with advantage have been more clearly expressed, but nothing turns on that because that judge had already directed himself to an "in the round" assessment of the evidence (see, e.g., [57] of the determination), which was faithfully performed. Anxious consideration was applied abundantly. It was not

necessary for the judge to comment separately on every single item of evidence: see Budhathoki (above).

13. In the tribunal's judgment the First-tier Tribunal Judge had reached careful, properly reasoned findings, in the course of a thorough, balanced determination, which securely resolved the issues and applied the correct lower standard of proof. The tribunal finds that there was no material error of law and the onwads appeal must be dismissed.

DECISION

The appeal to the Upper Tribunal is dismissed.

There was no material error of law in the First-tier Tribunal's decision and reasons, which stands unchanged.

Signed

Dated 8 August 2019

Deputy Upper Tribunal Judge Manuell