



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: PA/08268/2019

THE IMMIGRATION ACTS

Heard at Cardiff Civil Justice Centre
On 13 February 2020

Decision & Reasons Promulgated
On 16 March 2020

Before

UPPER TRIBUNAL JUDGE GRUBB

Between

A A
(ANONYMITY DIRECTION MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Miss S Alban of Fountain Solicitors

For the Respondent: Mr C Howells, Senior Home Office Presenting Officer

DECISION AND REASONS

1. Pursuant to Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 (SI 2008/2698) I make an anonymity order prohibiting the disclosure or publication of any matter likely to lead to members of the public identifying the appellant. A failure to comply with this direction could lead to Contempt of Court proceedings.

Introduction

2. The appellant claims to be a citizen of Syria who comes from Aleppo. He was born on 12 August 1994. He claims that he left Syria illegally in 2014 or 2015 as a result of the ongoing armed conflict there. He claims that he travelled to Turkey and from there travelled via Hungary, Austria, Italy and France before arriving in the United Kingdom in October 2015.
3. On 4 October 2015, the appellant claimed asylum. Following the discovery that his fingerprint showed that he had claimed asylum in Hungary on 16 July 2015 and again in Austria on 18 July 2015, the appellant was granted temporary release with reporting restrictions on 10 October 2015.
4. On 25 November 2015, a formal request was made under the Dublin III Regulation for Hungary to accept responsibility for determining his asylum claim. No response was received from Hungary and, as a result, the respondent decided on 22 August 2016 to determine the substance of the appellant's asylum claim. However, on 27 September 2016, the appellant was treated as an absconder, due to his failure to report, and his asylum claim was treated as withdrawn.
5. On 6 October 2017, the appellant was encountered by Avon and Somerset Police working illegally.
6. On 22 December 2017, further representations were made on his behalf, and again were made on 29 March 2018, and his asylum claim was reinstated. He was interviewed on 17 December 2018.
7. In a decision dated 1 August 2019, the Secretary of State rejected the appellant's claims for asylum, humanitarian protection and under the ECHR. The Secretary of State did not accept that the appellant was a Syrian national and came from Aleppo as he claimed.

The Appeal to the First-tier Tribunal

8. The appellant appealed to the First-tier Tribunal. His appeal was heard on 27 September 2019 by Judge Clemes. The judge dismissed the appellant's appeal on all grounds. He too did not accept that the appellant was a Syrian national from Aleppo. He found the appellant not to be a credible witness and concluded that he had "fabricated his entire claim that he is Syrian".

The Appeal to the Upper Tribunal

9. The appellant sought permission to appeal to the Upper Tribunal challenging the judge's adverse credibility finding and his conclusion that the appellant was not a Syrian national from Aleppo.
10. On 22 November 2019, the First-tier Tribunal (Judge Haria) granted the appellant permission to appeal.

11. On 11 December 2019, the Secretary of State filed a rule 24 notice seeking to uphold the judge's decision.

The Grounds of Appeal

12. Miss Alban, who represented the appellant, relied upon the three grounds of appeal which she developed in her oral submissions. Grounds 1 and 3, in particular, set out a variety of points made in respect of the judge's reasoning which led him to his adverse credibility finding and conclusion that the appellant had not established he was a Syrian national from Aleppo. I will deal with each of the points raised in turn shortly.
13. In response, Mr Howells, who represented the Secretary of State, submitted that the judge's reasoning was sustainable and even if the judge had fallen into minor errors, they were not material to his ultimate finding and decision.

Discussion

14. The judge's reasoning, and analysis of the evidence, is set out in some detail at paras 16 – 26 of his determination. In her submissions, relying upon the various points raised in grounds 1 – 3, Miss Alban contended that the judge had erred in a number of ways in reaching his adverse credibility finding.
15. Miss Alban's first point under Ground 1 was that the judge had applied an incorrect test in para 24 of his determination and given determinative weight to the appellant's failure to pursue fully the asylum claims that he made in the three safe countries of Austria, Italy and France. She submitted that the appellant's failure to do so was merely 'potentially' damaging of his credibility.
16. Mr Howells, on behalf of the Secretary of State submitted that the judge's reasoning in para 24 was not in error. He had not treated the fact that the appellant had not pursued, or even made, asylum claims in a number of EU countries as being determinative of the appellant's credibility. Mr Howells submitted that the judge had given a number of reasons in his decision for reaching his adverse finding.
17. Section 8 of the 2004 Act, so far as relevant, provides as follows:

"Claimant's credibility

(1) In determining whether to believe a statement made by or on behalf of a person who makes an asylum claim or a human rights claim, a deciding authority shall take account, as damaging the claimant's credibility, of any behaviour to which this section applies.

(2) This section applies to any behaviour by the claimant that the deciding authority thinks –

- (a) is designed or likely to conceal information,
- (b) is designed or likely to mislead, or
- (c) is designed or likely to obstruct or delay the handling or resolution of the claim or the taking of a decision in relation to the claimant.

....

(4) This section also applies to failure by the claimant to take advantage of a reasonable opportunity to make an asylum claim or human rights claim while in a safe country.

....”

18. It appears to be accepted that the appellant did claim asylum in Hungary and Austria. He passed through, but did not claim asylum, in a number of other EU countries including Greece, Italy and France. In his second statement dated 19 September 2019, at para 6 the appellant explains that he was told, when he was in Hungary, that he would be put in prison for fifteen days if he did not claim asylum. His fingerprints were taken by force and he feared being returned to Syria. Further, he feared the other countries that he passed through would do the same thing.
19. At para 24 the judge said this:
- “He also – on his own account – travelled through four EU member states without making asylum claims that he then properly pursued. Even setting aside Hungary as an ideal place to make a claim, he cannot avoid an adverse credibility finding on the basis of the choice to transit the other three countries without making a sustained claim for protection from return to what was (on any interpretation) a war zone.”
20. By virtue of s.8 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004, certain conduct by a Claimant has to be taken into account as “damaging” of that Claimant’s credibility (see s.8(1)). As the Court of Appeal made clear in IT (Cameroon) v SSHD [2008] EWCA Civ 878, that conduct or behaviour has to be taken by the decision maker as only *potentially* damaging to an individual’s credibility. It cannot, as Miss Alban submitted, be taken as determinative. A failure to take advantage of a “reasonable opportunity” to make an asylum claim in a safe country (which includes the EU member state (s.8(7))) falls within s.8 by virtue of s.8(4) and is, therefore, conduct or behaviour that is potentially damaging to an individual’s credibility. That provision, therefore, applied in principle to the appellant’s failure to claim asylum in, at least, Greece, Italy and France.
21. The specific provision dealing with failure to take a reasonable opportunity to claim asylum in s.8(4) does not, on its face, apply where an individual has claimed asylum but does not remain to pursue that claim in the relevant country. It was not suggested by either representative that such conduct could not in principle fall more broadly within s.8. In my judgment, the general provision in s.8(2) of any behaviour which is designed or likely to (a) conceal information, or (b) mislead, or (c) to obstruct or delay the handling or resolution of the claim or the taking of a decision in relation to the Claimant, is sufficiently broad to cover conduct such as the appellant where a claim is made but not pursued. In relation to s.8(4) the conduct involved is not taking advantage of a “reasonable opportunity” to make an asylum claim. Likewise, it was not suggested before me that a reasonable explanation as to why a claim was not pursued was irrelevant in determining whether a failure to pursue a claim that was made was potentially damaging to the appellant’s credibility. In fact, Miss Alban did not suggest that the judge would have fallen into error in taking into

account the appellant's failure either to make a claim or to pursue a claim once made as *potentially* damaging of his credibility. Her point was that the judge went further and treated this behaviour as determinative.

22. I note that it would appear from the appellant's asylum interview (at question 50) that at least some of the journey was paid for and might, therefore, have involved the use of an agent. Miss Alban did not direct me to any specific evidence in relation to the latter. It appears that the appellant paid for his journey between Turkey and Greece and then from France to the UK. He does not appear to have paid for the journey between Greece and France.
23. The judge discounted the appellant's conduct in Hungary on the basis of it not being a "ideal place to make a claim". Mr Howells invited me to take judicial notice of the fact that this was not an inappropriate view. It was, therefore, only in relation to the other countries that the judge had regard to the appellant's conduct. The appellant's only explanation was that he feared in those countries, as he had feared in Hungary, that he would be detained and sent back to Syria. I doubt whether that subjective fear, in itself, is a sufficient reason to conclude that the appellant did not take a "reasonable" opportunity to claim asylum or, in the case of Austria, to pursue a claim that he had made.
24. In any event, in relation to the specific contention made by Miss Alban, I do not accept her submission that the judge treated the appellant's behaviour as determinative. I accept Mr Howell's submission that this was only a reason that led the judge to reach his adverse credibility finding. It is absolutely plain that in his detailed reasons in paras 17 - 26 that the judge gave numerous other reasons that led him to reach his adverse credibility finding. Even if the judge could perhaps have phrased the point he was making in para 20 somewhat differently from "cannot avoid an adverse credibility finding", it is plain that the judge was not taking this conduct as determinative of the outcome of the appeal which would have been the consequence of finding the appellant not to be credible. The judge did not, therefore, misdirect himself in taking into account the appellant's behaviour either in not claiming asylum or, having done so, in not pursuing it in safe third countries as relevant to the appellant's credibility.
25. The second point made by Miss Alban under Ground 1, again in relation to para 24, challenges the judge's reasoning in taking into account the fact that the appellant had disposed of his Syrian ID document in Austria. At para 24 the judge said this:

"24. His credibility is further damaged by the decision that he made to dispose of his Syrian identity documents in Austria. He offered no valid reason for that in his asylum interview. In common with how he has conducted his claim generally, he tries to explain his behaviour late in his claim - in his September statement. Now, he says, he decided to get rid of the card because he feared being sent back there after having a less than welcoming reception in Hungary. It is noteworthy that he made no claims of ill-treatment in Hungary in a very detailed part of his asylum interview (question 39-42). I am satisfied that his lack of Syrian identity documentation is a further illustration of the fact that he is not Syrian. There is no

logical reason for the appellant to get rid of the most potent piece of evidence that he could have had to show that he was from Aleppo.”

26. Miss Alban submitted that there was a “logical reason” because the appellant’s case was that he feared return. She submitted that it might not appear logical to the judge that he feared a return from Austria to Syria but that was not the test but rather whether he had such a fear.
27. When asked about this in his asylum interview, the appellant said at question 41 that his Syrian ID was checked in Hungary by the authorities: “but I dropped it deliberately in Austria as soon as I spotted the police”. At question 42 he was asked “Why did you drop it?” To which he replied: “To be honest, I don’t know”. That was, therefore, his first response to the issue being raised by the Respondent. The appellant repeated his fear in his witness statement of 19 September 2019 at para 5 namely that: “I thought if they knew I came from Syria and had ID, they would send me back there, just like they told me in Hungary. I was too scared to go back to Syria because of the conflict so I threw my document away.” The appellant goes on to explain that he hopes to obtain further documentation from his family who are in Jordan.
28. As part of the judge’s overall assessment of the appellant’s credibility, in my judgment, he was reasonably entitled to conclude that the appellant’s explanation did not stand up to scrutiny, particularly having regard to the fact that the appellant initially failed to explain why he had thrown it away (and only did so later in his statement) and had not in his asylum interview expressed concerns about his treatment in Hungary. In the absence of the judge’s assessment of the evidence being unreasonable or irrational, the appellant cannot succeed in establishing that he erred in law in this regard. In my judgment, he has failed to establish that.
29. As a third point under Ground 1, Miss Alban criticised the judge’s reasoning in para 19 in which he took into account the appellant’s absconding and working illegally in the UK. Miss Alban submitted that the judge had been wrong to take this into account and to disregard the appellant’s evidence that he was “scared” of being returned.
30. In effect, the judge was taking into account conduct falling within s.8(2) of the 2004 Act as potentially damaging of the appellant’s credibility. At para 18, the judge said this:

“He explains his non-reporting (after 5 months’ compliance, a fact that is not disputed) arose from a fear that if he carried on reporting he would be arrested and sent to Syria. I am satisfied that that is a false account. He absconded, I find, to try to evade his claim being processed and an interview taking place.”

31. Then at para 19 the judge continues:

“This statement is vague, likely deliberately so, on the time that he worked illegally. He avoids coverage of any adverse points in the statement. I am satisfied that he had no valid reason for absconding and working illegally – he has been unable to put one

forward, other than becoming 'scared' of being returned. That claim flies in the face of his choice of the UK as the safest of havens, he having rejected Hungary, Austria, France and Italy as places to fully pursue an asylum claim."

32. As the judge made clear in the remainder of para 19, the appellant's explanation – as in relation to a number of matters – emerged after his initial asylum interview. So, in para 11 of his witness statement dated 26 March 2018 and para 6 of his witness statement dated 19 September 2019, the appellant explains that he feared that he would be detained if he reported in the UK and sent back to Syria and so he stopped reporting.
33. The assessment of this evidence was quintessentially a matter for the judge subject, again, to that assessment being reasonable and rational. Here, as part of the overall emergence of the appellant's explanations and bearing in mind that the appellant *had* claimed asylum on arrival in the UK, it was properly open to the judge to take into account that the appellant had absconded (and worked illegally) in assessing whether the appellant was a genuine asylum seeker and whether his account was to be believed. That was neither an unreasonable nor an irrational conclusion to reach as part of the judge's overall reasoning leading to his adverse credibility finding.
34. The fourth point relied on by Miss Alban was that in assessing the accuracy (or extent) of the appellant's knowledge concerning Aleppo, the judge had fallen into error in para 22 in taking into account that the appellant had lived there for "30+ years". Miss Alban pointed out that the appellant had left Syria when he was about 19 years of age. Mr Howells acknowledged that the judge had been wrong to consider the appellant had lived in Syria for 30+ years but submitted that the error was not material. He submitted that the appellant's age (or time in Syria) was not relevant to his lack of knowledge relied upon by the judge.
35. It is difficult to deal with this point in isolation from a number of other points raised in the grounds concerned with the judge's conclusions reached, in relation to the appellant's origins, in the light of his knowledge of Aleppo. The judge's reasoning, in relation to these issues begins at para 21 through to para 23:

"21. The appellant might not have foreseen what the respondent would make any of these answers when she found out how limited his knowledge of Aleppo's geography was but I find that these answers are straightforward and explicit factual ones to simple factual questions. His attempt to finesse them in evidence was evident when cross-examined. Now, he said, that he might drive but there were no customers and he had thought that the respondent was asking if he was able (or allowed) to drive. I remind myself that the appellant pronounced himself satisfied with the interview at the time of it and adopted his answers in it at the start of his evidence. He now said that his family had taught him to drive. When he had said in his September statement that he could not drive, he had meant that he was not allowed to do so. I am satisfied that the appellant has given inconsistent answers on a very simple point and has tried to alter his evidence to avoid the inference drawn that a driver in Aleppo would know the basic layout of the city. Someone who was not a Syrian from Aleppo would struggle to give such detail and I am satisfied that this is precisely what was shown by this part of the evidence: the appellant is giving a wholly false account which has obliged him to

change it as the case has evolved. By the time that he was asked to describe the route that he worked on, he resorted to a simple and (I am satisfied) wholly implausible account of a non-stop return featureless journey between two points as the only work that his uncle was allowed to do. Having been caught out in this falsehood, he now has tried to change his story to fit with his claim. I am satisfied that his claim to be a driver in Aleppo was at all times a lie as are his attempts to explain it.

22. I am conscious that questions of nationality should not be determined on the basis of a geography 'quiz' but that this is not what has happened here, I find. The appellant has lived all of his life in Aleppo, including being schooled there and working as a driver there, he claims. Yet he gave vague and general answers on Aleppo's features. The schools he claims to have attended are not discoverable on internet searches. His solicitor suggested that this is because they might no longer exist. That – I am satisfied – is a feeble attempt to explain away the appellant being caught out making up school names in his interview. He did not go to school in Aleppo, I find. His grasp of Aleppo's landmarks amounts to '*the big mosque, the citadel, the big university*'. No names were then offered. He now has been able to provide some names and did so in evidence. I am satisfied that he has spent the time since his claim was refused trying to research some Aleppo features to cover up his actual lack of any genuine knowledge. His memory of Aleppo, after 30+ years living there, is that it is by the sea. Aleppo – it is well known – is not a seaside city. He now says – in what I find is a desperate attempt to explain this fundamentally wrong answer – that he has confused a nearby lake with the sea. His descriptions of districts are generic for the most part ('east and west'). He could not name the sports stadium because (he says) he did not follow football but such a landmark would surely be well-known to inhabitants of Aleppo, especially someone that drove the paying public for a living.

23. I am driven to the conclusion that the appellant's poor command of Aleppo's geography comes from the fact that he is neither from Aleppo nor Syrian. He had had some time to learn detail for his asylum interview and he had the benefit of legal advice before he went for it. I am satisfied that he tried to learn some facets of Syrian life and that accounts for the limited series of correct answers on such things as popular singers, the currency, the flag and the capital (although I note that he claimed wrongly that F Ahmed was from Aleppo when he was not and that his other favourite was 'George' despite being unable to offer a surname for him). He could not name newspapers or local radio stations. He could name Aleppo dishes although I am satisfied that these dishes are standard Arabic fare, easily found on the internet or from the fact that he is Arabic."

36. Miss Alban also relied upon the judge's failure to take into account the background evidence concerning the devastation in Aleppo and that the appellant's school might no longer be found. Also, having referred me to a webpage news item (at page 7 of the supplementary bundle), Miss Alban pointed out that the appellant had correctly named a girl's school near his own at question 23 of his asylum interview. It was wrong, therefore, for the judge to state in para 22 that none of the schools were "discoverable on internet searches". One school, at least, was identified in the background evidence before the judge. Further, Miss Alban submitted, based upon a Google map at page 6 of the supplementary bundle, that the area in which the appellant worked was in fact a "featureless" area.

37. Mr Howells accepted that the judge had not taken into account the news report which included the name of the nearby girl's school. Further, he submitted that the issue about the appellant's knowledge of his local area was, in fact, part of the judge's reasoning that the appellant had changed his story about his employment as a driver by his uncle.

38. As regards that latter point, the judge dealt with that at para 20 as follows:

"In evidence the appellant said (his September statement, drafted to answer the refusal letter, it seems) that *'The Home Office states at Qs 25-29 that I said that I was a minibus driver. This is incorrect. I did not drive the minibus [which] was owned by my maternal uncle whom I worked with. My job was to help him, which include taking the ticket money as well as getting my uncle cups of tea and cigarettes and basically what he wanted. I was never able to drive. I have never had driving lessons and never held a driving licence'*. I am satisfied that by the time the appellant drafted his statement, he was aware of the decision maker's argument that a driver of a minibus would be much more aware of the geography of Aleppo than he had managed to be when he was answering questions in his interview. The appellant's past and recent versions are wholly inconsistent, I am satisfied, and I find as a fact that the appellant clearly said in his asylum interview that he was a driver. It is misleading to suggest (as he does in this latest statement) that the respondent said that he was a driver. **He** said that he was a driver in the interview (*'a driver for some time as well'*), not anyone on behalf of the respondent. The appellant himself then expanded on the account in answering subsequent questions – he drove a minibus owned by his uncle (the only part of his account on this point which has been consistent) and it was used to transfer people."

39. There is no doubt that the judge wrongly stated that the appellant had lived in Aleppo for 30+ years when in fact he had lived there for around 19 years. Also, the judge failed to take into account the documents at page 7 of the supplementary bundle which confirmed the name of the school close to the appellant's claimed school.

40. It remained the fact, however, that the appellant's own school could not be discovered on internet searches and Miss Alban did not submit otherwise. The judge was plainly aware of the background situation in Syria and, in particular in Aleppo, that it had been devastated by the warring factions. The judge's reasoning must be read as a whole. It was, in my judgment, plainly open to the judge to take into account that the appellant had changed his account as to whether or not he was a driver for his uncle. Despite Miss Alban's attempts to suggest otherwise, it is plain from questions 25 – 30, that the appellant, without undue prompting, identified that he was *"a driver for some time as well"* (question 25) and that he drove *"a minibus"* (question 27) and that that minibus was owned by his maternal uncle whom he worked with (question 28). At question 37, in response to a question about local football team and why he was not aware of any of their names, he added that *"I am only interested in driving"*. The appellant subsequently changed his evidence about that stating in his September 2019 statement, that he had not driven a minibus. He had never been able to drive; he had never taken driving lessons and had never held a driving licence. This was a significant change in his evidence which the judge was entitled to take into account and the discrepancy was no more explicable if the appellant had lived 30+ or 19 years in Aleppo.

41. Likewise, there were significant discrepancies in the appellant's evidence concerning the geographical location of Aleppo. He claimed it was either by the sea or by the Red Sea. It was neither. He subsequently sought to explain in his statement of September 2019 that he was referring to a "lake" which was about twenty minutes by car from his home and to which he had gone with his family when he was about 15 years old. He says that he thought Aleppo was near the Red Sea but he recognised that it was not and said: "The Red Sea was the nearest sea I could think of". The appellant was giving knowledge from his own experience. His geographical knowledge was, and the contrary was not contended before me, significantly inaccurate. Again, whether the appellant had lived in Aleppo for 19 or 30+ years, the judge was entitled to take into account these significant errors in the appellant's geographical knowledge in assessing whether he did, in fact, come from Aleppo.
42. Miss Alban also submitted that the judge had been wrong to take into account the fact that the appellant named a particular singer as coming from Aleppo when, in fact, Miss Alban submitted that the background evidence before the judge (at page 4 of the supplementary bundle) noted that the individual was a "Syrian singer". The difficulty with this submission is that in his asylum interview (at question 66) the appellant was asked for any famous or well-known people "born in Aleppo". In response to that he named this particular singer. The background evidence, though describing her as a "Syrian singer" does not show that she was born or, indeed, lived in or around Aleppo. It gives her place of birth as "Lebanon" and, although she started her singing career in Damascus, she later moved to Cairo. Egypt features in her life, both as a place of residence and also that she is married to an Egyptian composer. The material relied upon by Miss Alban does not, therefore, substantiate the appellant's answer as being correct. The judge was, in my judgment, entitled to treat the appellant's answer as not consistent with his claim to be someone from Aleppo.
43. Relying upon Ground 3, Miss Alban criticised the judge at paras 20 and 21 of his determination for noting that the appellant had "adopted his answers" in his interview at the start of his evidence. She submitted that the appellant had contested the accuracy of his interview and a copy of the recording of the interview had never been provided to the appellant.
44. This, in my judgment, is a point without any real substance. To the extent that it was suggested that the judge had simply taken the appellant's evidence as given in his interview, it is plain that the judge did not do that as substantial parts of his reasoning take the appellant's evidence at interview and contrast it with evidence that he subsequently gave, either that was inconsistent with what he said in his interview or, to the extent it was being contended, that the interview record was inaccurate. Whilst the absence of the recording required caution to be exercised in relying on the appellant's answers at interview, it was not in itself good reason to disregard those answers. Indeed, much of the appellant's subsequent evidence was not directed towards disputing the content of the interview, but seeking to gloss the answers or explain what had been said. The judge was, in my judgment, clearly aware of the appellant's case on the evidence derived, in large part, from his rebuttal

statement in March 2018 and, grappling with the differences in that evidence, gave cogent and sustainable reason for concluding that the appellant's account was not to be accepted.

45. Two final points raised by Miss Alban. She submitted that, in taking into account the lack of detail in the appellant's answer at question 53 about landmarks in Aleppo as being "the big mosque, the citadel, the big university", the appellant had not been given any opportunity to follow up on that in the questions that followed. Whilst that is undoubtedly the case, the fact remains that the appellant did not provide any detail in his initial answer and the judge was entitled to take this into account as one reason, and it was only one of many reasons, why he did not accept that the appellant was genuinely from Aleppo.
46. Secondly, Miss Alban criticised the judge at para 17 of his determination where he concluded that the appellant's delay in pursuing his asylum claim was explicable on the basis that he was not in a position to fake an asylum interview and needed more time to prepare for it. At para 17 the judge said this:

"Yet he struggled to answer very simple questions about that city when he was interviewed. The timing of his interview is also significant, I am satisfied. Having made a claim for asylum on the day after he arrived in the UK, he then reported for 5 months but then absconded. I find the chronology compiled by his solicitors a partial and somewhat disingenuous document as it makes no mention whatsoever of the appellant absconding after he was required to report by the respondent. I am satisfied that he was - at least in part - motivated by a concern that he was not ready to face an asylum interview and needed more time to prepare for it or possibly avoid one altogether by disappearing from view. He moved out of the area where the respondent had accommodated him (Yorkshire) to Bristol where he worked illegally for a time until he was discovered by chance by the respondent. Two months after he was put back on reporting conditions, he had his solicitors contact the respondent to revive his asylum claim. I am satisfied that this was timing of the appellant's choosing - he now felt that he was ready to undergo an asylum interview. I am satisfied that he had tried to avoid it until this point and had by, late 2017, acquired sufficient knowledge to back up his false claim that he was from Aleppo. He sent in evidence on 29 March 2018 - 2½ years after he came back to the UK."

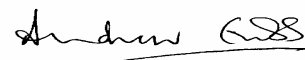
47. It is, in my judgment, important to put the judge's comments in the context of the totality of his reasons for rejecting the appellant's claim as credible that he is a Syrian from Aleppo. Paragraph 17 itself begins with the judge's ultimate conclusion, yet to be reasoned, that he finds the appellant not to be credible and that his account is inconsistent and that he has lacked knowledge which would be expected of him given he has lived all his life in Aleppo until he came to the UK. The judge's comment in para 17 is, in effect, a conclusion based upon his ultimate decision that he did not accept the appellant's account, in particular based upon the 'improved' detail of his account over time. Indeed, as Mr Howells pointed out in his submissions, not only did the appellant not reengage with the Home Office for some time after ceasing to report, but also it took him a further two months after he was encountered by the police on 6 October 2017 to pursue again his asylum claim on 22 December 2017. His initial statement and asylum interviews took place respectively in March and December 2018.

48. Whilst, as is accepted by Mr Howells, there were a few errors identified in the judge's decision, I reject Miss Alban's submissions that his decision is legally flawed and cannot stand.
49. Standing back from the detail of the points made by Miss Alban, there were a number of significant discrepancies and inconsistencies in the appellant's evidence which the judge was entitled to take into account and sustain his adverse credibility finding. I accept Mr Howells' submission that the judge was entitled to conclude that the appellant's evidence evolved over time in order to meet the respondent's case, in particular, denying that he was (or had said that he was) a driver in Aleppo which was relevant to his local knowledge and that his family were refugees in Jordan but later that they were illegal residents and the former status would mean they would likely have documentation to support his Syrian nationality.
50. For all these reasons, I am satisfied that the judge did not materially err in law in reaching his findings that the appellant had not established that he was a Syrian national from Aleppo and, accordingly, his appeal should be dismissed.

Decision

51. The decision of the First-tier Tribunal to dismiss the appellant's appeal on all grounds did not involve the making of a material error of law. That decision stands.
52. Accordingly, the appellant's appeal to the Upper Tribunal is dismissed.

Signed



A Grubb
Judge of the Upper Tribunal

13 March 2020