



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

Appeal Number: AA/10460/2013

THE IMMIGRATION ACTS

**Heard at Field House
On 9th June 2014
Judgment given orally on 9th June 2014**

**Determination Sent
On 14th July 2014**

Before

UPPER TRIBUNAL JUDGE KOPIECZEK

Between

MEHRAB ABRHAM

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms H Naz, Solicitor of Morden Solicitors LLP

For the Respondent: Mr N Bramble, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. This appellant says that she is a citizen of Eritrea. She was born on 1st January 1988. She arrived illegally in the United Kingdom on 31st July 2013, on which date she was arrested. She made a claim for asylum, again on the same date. That claim was rejected and a decision was made on 8th November 2013 to remove her as an illegal entrant. Her

appeal against that decision came before First-tier Tribunal Judge Lucas on 20th March 2014. In the determination Judge Lucas dismissed the appeal on asylum, human rights and humanitarian protection grounds. The grounds of appeal before the Upper Tribunal, in summary, contend that the First-tier Judge's credibility findings are flawed for want of reasons.

2. At the outset Mr Bramble accepted that there were deficiencies in the decision of the First-tier Tribunal in terms of the reasons given for rejecting the appellant's claim. He accepted that there was an inadequate assessment of the appellant's credibility, including with reference to relevant case law and background material.
3. In the grounds of appeal before the Upper Tribunal it suggested that in many respects the judge simply has not given reasons for the conclusions that he came to. Ground 1 concerns the judge's credibility findings. Whilst I am not satisfied that everything that is advanced in that respect has substance, in the light of the acceptance on behalf of the Secretary of State that there are deficiencies in this determination and my own assessment of the determination, I am satisfied that the First-tier Judge erred in law.
4. It is not necessary in the circumstances for me to explain in detail what the deficiencies in the determination are, suffice to say that a statement, for example, that something is simply not believed or is implausible is not in my view satisfactory. Part of the appellant's claim is that she suffered ill-treatment in various respects while she was in Ethiopia, as a person of Eritrean nationality. An example of what I regard as a lack of reasons occurs at paragraph 53 of the determination where the judge stated that the account the appellant gave of having been repeatedly sexually assaulted in Ethiopia, is implausible, but no reasons are given for that conclusion. Mr Bramble pointed out that at paragraph 55 of the determination the judge concluded that because the appellant speaks Amharic and Oromo, both being Ethiopian languages, she is Ethiopian. Mr Bramble suggested however, that that was not a sufficient basis from which to conclude that she is in fact Ethiopian.
5. A further example of a lack of reasoned findings occurs at paragraph 51 of the determination. There it was concluded that the appellant's explanation that she effectively remained in hiding in Ethiopia after the death of her mother in 2007 and was able to work and save but without having any status in that country, was not credible. Again however, no reasons are given for that conclusion. The judge may have been entitled to find that that part of her account was not credible, but at least some reasons ought to have been given for coming to that view.
6. Lastly by way of example, at paragraph 53 Judge Lucas considered the appellant's account that she was raped by her employer's son, Mustafa. He concluded that the fact that the appellant is said to have been recognised (and I think he means that her son Mustafa is said to have

been recognised) as his father's son, is "totally unconvincing". Again however, no reasons are given for that conclusion.

7. In the circumstances, I am satisfied that there is an error of law in the judge's assessment of credibility. That error of law is such as to acquire the decision to be set aside. Having regard to paragraph 7.2 of the practice statement, it is appropriate for the appeal to be remitted to the First-tier Tribunal for further hearing *de novo* with no findings of fact preserved.

DIRECTIONS

1. The appeal is remitted to the First-tier Tribunal for a hearing *de novo* before a judge other than First-tier Tribunal Judge Lucas.
2. No findings of fact are preserved except as agreed between the parties.
3. An Amharic interpreter is required.

Upper Tribunal Judge Kopieczek

7/07/14