



IAC-FH-NL-V1

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

Appeal Number: AA/09682/2014

THE IMMIGRATION ACTS

**Heard at Field House
On 27 July 2015**

**Decision & Reasons Promulgated
On 31 July 2015**

Before

DEPUTY UPPER TRIBUNAL JUDGE G A BLACK

Between

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

**AHMED ABDO MAREY
(ANONYMITY DIRECTION NOT MADE)**

Respondent

Representation:

For the Appellant: Mr S Whitwell, Home Office Presenting Officer

For the Respondent: Mr R Rai, Counsel instructed by Freemans Solicitors

DECISION AND REASONS

1. This is the respondent's appeal. The appellant or the claimant as he will be called in the determination is a Syrian national although this was disputed. He claimed asylum on the basis of political opinion. In a decision by First-tier Tribunal Judge Aziz he allowed the asylum appeal on the basis that he found the claimant was at risk as a failed asylum seeker. That determination was promulgated on 20 February 2015.
2. In grounds of appeal or rather application the Secretary of State contended that the First-tier Tribunal had made contradictory findings that

could not be reconciled. Firstly, that the claimant was a Syrian national and yet the First-tier Tribunal found his account for leaving Syria to be untrue. It was further submitted that too much weight had been placed on the witness who gave evidence in support of the claimant's claim and insufficient evidence on the language and analysis report.

3. Permission was granted by First-tier Tribunal Judge Cruthers who identified **AB (witness corroboration in asylum appeals) Somalia [2004] UKIAT 00125** as being helpful. In his decision the First-tier Tribunal set out in detail the reasons for refusal, the claimant's interview responses showing poor knowledge of Syria and he referred to the linguistic report in which he found some consistency with Egyptian Arabic and he further considered that there were inconsistencies in the claimant's asylum interview and also identified matters under Section 8.
4. The First-tier Tribunal considered nationality and referred to relevant case law including **MA** as to disputed nationality and also **RB (linguistic evidence) Somalia [2010] UKUT 329 (IAC)** and finally to **MN (Somalia)** as to the weight and approach to linguistic analysis reports. Against that background the First-tier Tribunal conducted a detailed and focused analysis of the evidence as regards nationality. Weight is attached to the linguistic report but the Tribunal critically examines that in the light of all of the evidence before the Tribunal.
5. The Tribunal goes on to look at the claimant's asylum interview as regards his knowledge of Syria and takes the view that it is a mixed picture. He finds however that his responses are consistent with his educational background. He hears oral evidence from the claimant and also evidence from a witness which he finds consistent. I am satisfied that the Tribunal had clearly considered evidence as regards nationality and separately considered the evidence as to the claimant's fears in Syria. The Tribunal placed no weight on the hearsay evidence of the witness as regards the circumstances of the claimant's departure from Syria.
6. In conclusion the Tribunal makes specific findings and reasons in support of his decision and highlights the contradictory nature of the evidence that was before the Tribunal. The final decision is based on a risk on return as a failed asylum seeker and reliance on **KB**.
5. I have heard submissions this morning from both representatives and I have decided that there is no material error of law in the decision. I am satisfied that the Tribunal did consider other evidence, not simply that as of the witness as corroboration of the claimant's account and the witness's identity was accepted by the Secretary of State and the fact that he was from Aleppo. In a carefully considered decision the First-tier Tribunal has explained how and why it reached the conclusions it did in the face of contradictory evidence. I am satisfied that the two sets of findings are reconcilable.

6. As to the issue raised at the hearing this morning on the risks of return for asylum seekers this was not a matter that was raised as a ground in the application relied on by the respondent.

Notice of Decision

7. I am satisfied therefore that the Tribunal judge correctly considered all of the issues, applied the relevant law and, in particular, relied on the up to date country guidance case of **KB**. Accordingly, the determination shall stand and the appeal by the Secretary of State is dismissed.
8. No anonymity direction is made.

Signed

Date

Deputy Upper Tribunal Judge G A Black