



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

Appeal Number: AA/01409/2015

THE IMMIGRATION ACTS

**Heard at Field House
On 29 January 2016**

**Decision & Reasons Promulgated
On 18 February 2016**

Before

DEPUTY JUDGE DRABU CBE

Between

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

SAYED HAMDHI HINDI

Respondent

Representation:

For the Appellant: Mr S Saunton, Senior Presenting Officer

For the Respondent: Mr H Ti of Counsel instructed by Kesar & Co, Solicitors.

DECISION AND REASONS

1. This appeal has been brought by the Secretary of State against the decision of Judge Martins a Judge of the First Tier Tribunal, who following a hearing at Hatton Cross on 1 September 2015 allowed the appeal of the above named, now named as respondent in this determination. The Secretary of State had refused his application to be allowed to remain in the United Kingdom as a refugee. The respondent is a male and claimed to be a citizen of Syria. The appellant (Secretary of State) did not accept, for reasons set out in her notice of the decision, that the respondent is from Syria. It was her view that if the respondent is found to be from Syria, then he would qualify for refugee status.

2. The respondent appeared before the First Tier Tribunal and gave oral evidence. He said that he was born in Syria on 28 August 1996. He claimed asylum in the UK on 21 October 2013, having travelled through various countries in Europe. The appellant made the decision to refuse to grant him asylum on 15 January 2015.
3. At the hearing before the First Tier Tribunal the respondent adopted his written witness statement and he was cross examined. The evidence that the respondent gave before the First Tier in examination-in-chief as well as in cross examination is set out in detail in the decision made by Judge Martin. The written determination consists of 14 type written pages. Judge Martin allowed the appeal on asylum grounds as well as on human rights grounds.
4. The appellant sought and was granted permission to appeal to the Upper Tribunal by Judge Parkes, a Judge of the First Tier Tribunal on 18 November 2015. The permission was granted in the following terms: "It is arguable that the Judge's analysis of the evidence of the Appellant and his previous accounts is inadequate to explain why that evidence is accepted and acceptable. On that basis the grounds are arguable and permission is granted."
5. At the hearing before me I raised the point as to whether the grant of permission to appeal was valid in that it did not say that the determination is arguably in material error of law – that being the only basis upon which permission to appeal is and should be granted. Mr Staunton for the respondent said that he was in agreement with me that the decision granting permission is flawed and left the matter in my hands. I told the parties that I would proceed on the basis that the appeal before me is a valid appeal and I would deal with the grounds on their merits.
6. Mr Staunton said that he had only one point that he wished to raise and that was in relation to the reasons given for the decision. He drew my attention to paragraphs 56 and 57 of the determination and submitted that the reasons given were inadequate.
7. Mr Ti of counsel asked me to consider his written skeleton argument which he had filed and copied to the appellant well in time for the hearing of this appeal. He said that it is settled law that reasons do not have to be detailed as long as reasons given address and resolve the key issues. In his view that is what the Judge had done in this appeal. The Judge had taken due account of discrepancies in the statements made or attributed to the respondent and had at the same time, in their appraisal quite properly taken account of the respondent having been a minor at the relevant time. The Judge was entitled to take the view that the discrepancies did not go to the core of the issue and that in any event the respondent had given satisfactory explanations for his statements.
8. Mr Staunton made no further submissions.

9. I reserved my decision which I now give with the following reasons.
10. Having looked at the relevant paragraphs in the determination of Judge Martin and also having considered the whole of the determination, I find no substance in the argument that the reasons given by Judge Martin were inadequate. He was perfectly entitled to take positive view of the demeanour of the respondent in giving evidence and to state that he had given his evidence in a straightforward and helpful manner. After subjecting all the relevant evidence to scrutiny and analysis, Judge Martin, in my respectful view, made findings which are adequately reasoned.
11. Accordingly, this appeal brought by the Secretary of State is dismissed as the decision of Judge Martin does not have a material error of law.

K Drabu CBE
Deputy Judge of the Upper Tribunal.
8 February 2016