Upper Tribunal
(Immigration and Asylum Chamber) Appeal Number: PA/00436/2016

THE IMMIGRATION ACTS

Heard at Glasgow	**Decision and Reasons Promulgated**
On 5 October 2017	**On 6 October 2017**

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

K L
(Anonymity direction not made)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

For the Appellant: Ms N Loughran, of Loughran & Co, Solicitors
For the Respondent: Mr M Matthews, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. The appellant appeals against a decision by First-tier Tribunal Judge A M S Green, promulgated on 20 June 2017, dismissing his appeal against refusal of asylum.

2. The grounds are rather lengthy, making the same point in slightly different ways. Their essential thrust is that the judge gave no adequate reasons for his adverse findings, and in particular for not accepting at ¶18 that the appellant did not have a CSID (on which the judge misunderstood the evidence) and that his family would not be able to help him obtain another one, essential issues in light of the "*AA* Iraq" guidance as given by the UT and modified by the Court of Appeal.

3. Ms Loughran did not expand upon ¶6 of the grounds, "erroneously requiring corroboration". ¶11 of the decision does not bear out any such misconception.

4. The grounds at ¶7 of the grounds say that the judge erred by taking a "section 8" credibility issue as a starting point and by overlooking the appellant's explanation for not claiming *en route*, but Mr Matthews was able to answer those issues by reference to ¶12 of the decision, where s.8 is not taken as a discrete point and where his explanation is explicitly rejected.

5. In course of her submissions and in her reply, Ms Loughran said that the country guidance now constitutes an exception to the general rule that separate reasons are not required for each separate negative finding. She said that the issue of possession or ability to obtain a CSID has been identified as of such crucial significance as to require separate and specific reasoning, and could not be covered by the reasons for a generally negative finding, even if those were otherwise legally adequate.

6. In my opinion, the degree of specific reasoning required can be assessed only on the facts of the case. The precise realities about the existence or availability of a CSID will seldom be within the capacity of a tribunal to resolve, and it is not its function to do so. There will be cases where there is particular evidence about possession of or ability to obtain a CSID which requires separate reasoning. There will also be cases where the appellant's claims on those matters stand or fall with his general credibility.

7. An appellant has simply to show that what he claims is reasonably likely; if he does not, there is no obligation on the respondent or on a tribunal to demonstrate that his claims are beyond all possibility.

8. The guidance requires clear findings, subject to the usual principles of legal adequacy of reasoning and no more.

9. The amended country guidance in *AA* says at ¶9 that "… it will be necessary to decide whether P has a CSID, or will be able to obtain one …". Judge Green said at ¶18, "Given my concerns about the appellant's general credibility, I do not accept that he does not have a CSID or that his family will not be able to help him obtain another one …". No error has been shown in his findings on general credibility. There is no discrete error in relation to the CSID.

10. The decision of the First-tier Tribunal shall stand.

11. The FtT made an anonymity direction, but not at the request of either party, and for no stated reason. Representatives agreed that there was no need for anonymity, so that order is discharged.

Hugh Macleman

Upper Tribunal Judge Macleman

Date 5 October 2017