



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

Appeal Number: AA/03355/2015

THE IMMIGRATION ACTS

**Heard at City Centre Tower, Birmingham
On 11th December 2017**

**Decision & Reasons
Promulgated
On 23rd January 2018**

Before

DEPUTY UPPER TRIBUNAL JUDGE RENTON

Between

**DUNCAN JUNIOR SASA
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr M Mozam of Sultan Lloyd Solicitors

For the Respondent: Mrs H Aboni, Home Office Presenting Officer

DECISION AND REASONS

Introduction

1. The Appellant is a male citizen of the Democratic Republic of Congo (DRC) born on 2nd May 1982, who applied for asylum on 20th January 2015. That application was refused for the reasons set out in an Asylum Decision dated 23rd February 2015. The Appellant appealed, and his appeal was heard by First-tier Tribunal Judge Chohan (the Judge) sitting at Birmingham on 20th January 2017. He decided to dismiss the appeal on asylum,

humanitarian protection, and human rights grounds for the reasons given in his Decision dated 30th January 2017. The Appellant sought leave to appeal that decision, and on 11th October 2017 such permission was granted.

Error of Law

2. I must first decide if the decision of the Judge contained an error on a point of law so that it should be set aside.
3. The Appellant claimed that he was at risk on return to the DRC because he was a freelance photographer who had taken photographs of political demonstrations. As a consequence the Appellant was arrested and detained during which time he was ill-treated. The Judge decided to dismiss the appeal because he found the Appellant's claims lacking in credibility. The Judge decided to attach no weight to an arrest warrant and a newspaper article produced by the Appellant, and he considered an expert report of Alex Ntung.
4. At the hearing, Mr Mozam argued that the Judge had erred in law in coming to these conclusions. He referred to the grounds of application and submitted that the Judge had erred in law in not dealing properly with the newspaper article contained in the Appellant's Bundle of Documents. The Judge had not analysed the substance of the article and although he had dealt with one newspaper article at paragraph 19 of the Decision, he had made no mention of this newspaper article. Indeed, the Judge had failed to deal in detail with other evidence contained in the Bundle such as the business card and the photographs. Further, the Judge had failed to consider the Appellant's account of his escape from detention in the light of the objective evidence. Bearing this evidence in mind, it was not implausible that the Appellant had not been guarded. The Appellant had given a consistent account of his escape.
5. Finally, Mr Mozam argued that the Judge had given insufficient reasons for failing to accept the evidence of the expert witness who gave evidence about the documentary evidence such as the arrest warrant.
6. In response, Mrs Aboni submitted that there had been no such errors of law. She referred to the Rule 24 response and pointed out that the Judge had stated in the Decision that he had considered all the evidence before him in the round. It may be the case that he had not dealt with one of the newspaper articles contained in the Appellant's Bundle, but it was not a material error of law not to refer to one small item of evidence. Most of the documentary evidence contained in the Appellant's Bundle added little weight to his claim. The Judge had dealt in detail with the contents of the expert report concerning the arrest warrant and had given sufficient reasons for finding the report unreliable.
7. I find no error of law in the decision of the Judge which I therefore do not set aside. The Judge dismissed the appeal because he did not believe the

Appellant's account of why he feared returning to the DRC. That was a decision open to the Judge on the evidence before him and which he fully explained. The Judge noted the lack of documentary evidence in support of the Appellant's claim that he had been a freelance photographer, and the Judge explained why he found the Appellant's account of his escape from detention implausible. The Judge did not need to refer to any objective evidence to come to that conclusion. The Judge dealt with the expert report of Alex Ntung in some detail at paragraphs 15 to 18 inclusive of the Decision. It was open to him to find the evidence of the expert not conclusive as regards the arrest warrant, and the Judge adequately explained this conclusion at paragraph 18 of the Decision. It may be the case that the Judge failed to deal specifically with one of the newspaper articles contained in the Bundle, but if this is an error of law, I find it not to be material when considering the other reasons given by the Judge for finding the Appellant lacking in credibility.

8. For these reasons I find no error of law in the decision of the Judge.

Notice of Decision

The making of the decision of the First-tier Tribunal did not involve the making of an error on a point of law.

I do not set aside that decision.

The appeal to the Upper Tribunal is dismissed.

Anonymity

The First-tier Tribunal did not make an order for anonymity. I was not asked to do so, and indeed find no reason to do so.

Signed

Date 22nd January 2018

Deputy Upper Tribunal Judge Renton