



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: PA/00305/2018

THE IMMIGRATION ACTS

Heard at Field House
On 15 May 2018

Decision & Reasons Promulgated
On 21 June 2018

Before

UPPER TRIBUNAL JUDGE JORDAN

Between

MOHAMED [A]
(ANONYMITY DIRECTION NOT MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr P Collins of Council

For the Respondent: Miss N Willocks-Briscoe, Home Office Presenting Officer

REASONS FOR FINDING AN ERROR OF LAW

1. The appellant is a citizen of Egypt who was born on 28 September 1996. He appeals against the determination of First-tier Tribunal Judge Chudleigh promulgated on 27 February 2018 in which the judge dismissed the appellant's appeal against the decision made by the Secretary of State on 8 December 2017 to refuse his asylum claim. It is not necessary for me to go into the circumstances of this case in any great detail. I am however guided by the decision that was made by the Secretary of State on 8 December 2017. It is a structured decision setting out first of all the nature of the claim, the

immigration history and the background material upon which the decision-maker reached his decision. There then follows from pages 6 to 14, that is between paragraphs 22 and 54, a detailed consideration of all of the material issues and there were many of them. They were reached with a proper recital of the material, they were cross-referenced to the parts of the asylum interview record, where they made reference to background material.

2. Although this is not a judicial review case, looking at that decision made by the Secretary of State it appears to me to be a fully reasoned decision. I am bound to say I have to contrast that with the decision that was made by the First-tier Tribunal Judge. The reasons for rejecting the appeal are set out in paragraph 32 and they cover just about a page and a half. By way of example they are a summary or a conclusion but they are not supported by any reasoning. For example, in paragraph 8 the First-tier Tribunal Judge says he found the appellant's evidence that his father started his visa application when he was being detained implausible. There are no reasons provided for that finding it was a matter which was in contention it was discussed in the decision made by the Secretary of State, there was a competing issue as to whether a father would begin proceedings to secure the applicant's visa whilst the applicant was in custody merely to say that he found the appellant's evidence implausible is simply not enough.
3. In paragraph 9 the judge finds that he did not believe the appellant's account as to how he managed to leave Egypt by plane on his own passport when he was on bail. He concluded by saying the account he gave of being recognised and waved through the airport without proper checks was possible but unlikely. No reasons are provided for why it was unlikely. There was a considerable amount of background evidence about the checks that are kept at Egyptian airports and whether those checks could be circumvented by an individual being waved through. None of this is recorded in the decision made by the First-tier Tribunal Judge and I contrast this with what was said in the refusal letter.
4. Finally, although it is not necessary the only comments that one could make the judge finds that the appellant gave evidence that his membership card was produced late in the day and the judge found that he did not believe that the appellant simply found it in his clothes. I am not able to say why the judge found that that was not credible. The appellant presumably gave evidence about it he may have been cross-examined about it. Sometimes articles which are lost are found in pockets of clothing weeks or months later. However, it may have been that the way the appellant gave his evidence and the way he explained the lateness of his production of this membership card was something that the judge found unsatisfactory in a stated way. He was either believable in what he said or he was not but it is simply not adequate to provide as a conclusion I did not believe the appellant simply found it in his clothes.
5. Those are just three examples and there may be more. However, it provides me with great reservations about the thoroughness of the judge's determination and in those circumstances, I consider that it is not adequately reasoned and that amounts to an

error of law. In those circumstances I find that the determination of the First-tier Tribunal Judge should be set aside and remade.

NOTICE OF DECISION

- (i) The First-tier Tribunal Judge made a material error of law and I set aside the determination.

I direct

- (ii) The re-making of the decision will be conducted at Hatton Cross with an Arabic interpreter (Egyptian dialect); time estimate 3 hours.
- (iii) The appellant will file and serve any further evidence upon which he intends to rely 28 days before the resumed hearing.
- (iv) The appellant will file and serve his skeleton argument 14 days before the hearing; the respondent (if so advised) 7 days before.

No anonymity direction is made.

ANDREW JORDAN
JUDGE OF THE UPPER TRIBUNAL

22 May 2018