



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

Appeal Number: PA/01784/2017

THE IMMIGRATION ACTS

**Heard at Newport
On 15th November 2018**

**Decision & Reasons Promulgated
On 21st December 2018**

Before

**VICE PRESIDENT M OCKELTON
DEPUTY UPPER TRIBUNAL JUDGE LEVER**

Between

**M A M
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Hodgetts of Counsel

For the Respondent: Mr Howells, Senior Presenting Officer

DECISION AND REASONS

Introduction

1. The Appellant born on 30th November 1986 is a citizen of Ethiopia. The Appellant was represented by Mr Hodgetts of Counsel. The Respondent was represented by Mr Howells, a Senior Presenting Officer.

Substantive Issues under Appeal

2. The Appellant had arrived in the United Kingdom on 25th June 2016 and claimed asylum on 20th July 2016. The Respondent had refused the Appellant's application for asylum. The Appellant had appealed that decision and his appeal had been heard by Judge of the First-tier Tribunal Fowell sitting at Newport on 21st April 2017. The judge had dismissed his appeal on all grounds. Application for permission to appeal was made and such application was granted on 5th September 2017 on the basis that it was arguable that the judge had rejected core elements of the Appellant's claim based upon speculation and had taken into account a mistranslation of an identity card and had omitted to consider other potential supportive evidence.
3. The Upper Tribunal, subject to submissions to the contrary decided to set aside the decision under appeal and direct a fresh hearing on 6th November 2017. No objection had been raised by the party and the First-tier Tribunal's decision was set aside with the direction the appeal be re-determined by the First-tier Tribunal.
4. The matter came before the First-tier Tribunal on 19th June 2018 before Judge of the First-tier Tribunal Boyes sitting at Newport. The judge had allowed the appeal on protection grounds and under Articles 2 and 3 of the ECHR.
5. The Respondent made application for permission to appeal that decision and permission was granted by First-tier Tribunal Judge Bird on 12th July 2018 on the basis that it was arguable the judge had failed to provide adequate reasons for accepting that the Appellant was credible. Directions were issued for the Upper Tribunal firstly to decide whether an error of law had been made in this case or not. The matter came before us in accordance with those directions.
6. The matter having been considered we have provided below our decision as given at the hearing.

Decision and Reasons

7. The Respondent's Grounds of Appeal are dismissed on the basis that a proper reading of the judge's decision indicates that having considered the evidence in the case he had thereafter provided adequate reasons for his conclusions regarding the honesty and credibility of the account provided by the Appellant and accepting the supportive evidence of an identity document. Further he provided an adequacy of reasons why he accepted the evidence of an expert called on behalf of the Appellant namely Dr Berri that was supportive of the evidence provided by the Appellant.

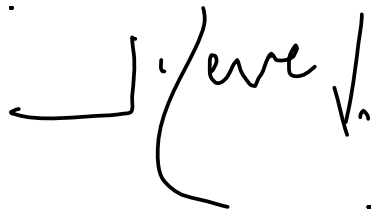
Decision

We do not find a material error of law was made by the judge in this case and we uphold the decision of the First-tier Tribunal.

Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until a Tribunal or court directs otherwise, the Appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him or any member of their family. This direction applies both to the Appellant and to the Respondent. Failure to comply with this direction could lead to contempt of court proceedings.

Signed



Deputy Upper Tribunal Judge Lever

Date

