



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

Appeal Number: PA/03454/2015

THE IMMIGRATION ACTS

Heard at Bradford

On 7th November 2017

**Decision & Reasons
Promulgated**

On 8th January 2018

Before

DEPUTY UPPER TRIBUNAL JUDGE KELLY

Between

**MR IBRAHIM BAKHTAN HAMED
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms N Patel, Solicitor

For the Respondent: Mr C Bates, Senior Home Office Presenting Officer

DECISION AND REASONS

1. This is an appeal Mr Ibrahim Bakhtan Hamed against the decision of First-tier Tribunal Judge P.J. Holmes who, in a decision promulgated on the 20th March 2017, dismissed his appeal against refusal of his Protection Claim.
2. The appellant is a citizen of Sudan who was born on the 25th May 1988. He claimed to be a member of the Messiriya tribe who had been detained and was still wanted by the Sudanese authorities in connection with his involvement in printing and distributing anti-government leaflets to students. The credibility of that claim was in issue before Judge Holmes. It

was supported by a country expert, Mr Peter Verney. First-tier Tribunal E.B. Grant gave permission to appeal on the ground that Judge Holmes had arguably “erred in law in his treatment of the expert evidence”.

3. Judge Holmes acknowledged (at paragraph 17) that Mr Verney was, “appropriately qualified and experienced to provide an expert report”, and that his report complied with the formalities required by the relevant practice direction. He also noted that Mr Verney’s opinion was partially based upon an interview that he had conducted with the appellant and that a transcript of that interview had been helpfully incorporated within his report. Judge Holmes nevertheless made a number of criticisms of Mr Verney’s report, which may be summarised as follows:
 - (i) failing to cite the sources of information upon which his opinion was based;
 - (ii) indulging in speculation based upon unsubstantiated assumption;
 - (iii) basing his conclusions upon the account given by the appellant during his interview with Mr Verney without noting the key respects in which it was at odds with the account that he had given in his interview with the Home Office;
 - (iv) accepting that, in his interview with the Home Office, the appellant had demonstrated knowledge of the tribe to which he claimed to belong when he had in fact demonstrated his ignorance of it and had had to be prompted by the Home Office interviewer in respect thereof;
 - (v) failing to note that the nature of the appellant’s claim had changed from one based upon anti-government political activities during his interview with the Home Office to one based upon his claimed ethnicity (non-Arabic Darfuri) during his interview with Mr Verney.

The judge illustrated his criticisms of Mr Verney’s report with numerous examples, which it is unnecessary for me to rehearse.

4. Paragraph 4 of the grounds of appeal notes that whilst Judge Holmes criticised the report of Mr Verney as “inadequately reasoned”, he nevertheless acknowledged that Mr Verney was appropriately qualified and experienced to give an expert opinion about the matters in issue. Paragraphs 5 and 6 of the grounds provide details of Mr Verney’s credentials in that regard which, they suggest, Judge Holmes “failed to take into consideration”. Paragraph 7 quotes Mr Verney’s conclusions. Paragraph 8 argues that, “in light of these conclusions, coupled with Immigration Judge Holmes’ own comments about the expert being suitably qualified”, the judge, “materially erred in failing to attach adequate weight to the findings of the expert”. Miss Patel essentially repeated those grounds during her oral submissions.
5. It is noteworthy that the grounds do not contain any criticism of the reasons given by the judge for attaching little weight to Mr Verney’s report. Rather, they appear to imply that Mr Verney’s expertise was such

that the judge ought simply to have accepted his conclusions at their face value. I disagree. The judge was not obliged to attach weight to the opinion of the expert on account of his expertise alone. The fact that Mr Verney is an expert in his field does of course mean that it was incumbent upon the judge to explain why he was not attaching significant weight to his opinion. That, however, is precisely what Judge Holmes did in the course of his detailed and cogent analysis of Mr Verney's reasoning of which no specific criticism is made. I therefore conclude that Judge did not make any error of law, material or otherwise.

Notice of Decision

6. The appeal is dismissed.

No anonymity direction is made.

Judge Kelly

Date:

Deputy Judge of the Upper Tribunal