



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: PA/04864/2016

**THE IMMIGRATION ACTS**

Heard at Civil Justice Centre, Manchester  
On 5<sup>th</sup> June 2018

Determination Promulgated  
On 22<sup>nd</sup> June 2018

Before

UPPER TRIBUNAL JUDGE COKER

Between

SS

Appellant

And

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

**Representation:**

For the Appellant: Mr K J Wood, Immigration Advisory Service  
For the Respondent: Mr P Duffy, Senior Home Office Presenting Officer

**DECISION AND REASONS**

Pursuant to Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 (SI 2008/269) I make an anonymity order. Unless the Upper Tribunal or a Court directs otherwise, no report of these proceedings or any form of publication thereof shall directly or indirectly identify the original Appellant/parties in this determination identified as SS. This direction applies to, amongst others, all parties. Any failure to comply with this direction could give rise to contempt of court proceedings

1. UTJ Bruce granted the appellant permission to appeal, on limited grounds, the decision of First-tier Tribunal judge Hudson, who dismissed his appeal against the decision of the respondent to refuse his international protection claim, for reasons set out in his decision promulgated on 14<sup>th</sup> July 2017.
2. The grounds upon which permission was granted assert that the judge made findings adverse to the appellant which were unsupported by the evidence; that he speculated in reaching findings that went beyond matters of which the judge

was entitled to take judicial notice and that such findings were material to the decision of the judge.

3. The core of the appellants claim for international protection was that he had worked for American interests in Afghanistan in 2014, had been captured by the Taliban and escaped; he was at real risk of serious harm if returned to Afghanistan. He also claimed he was at risk of being killed by his step brother who wished to kill him because of a relationship he had with his step- brother's wife. That latter claim was disbelieved by the First-tier Tribunal Judge and permission to appeal that finding was not sought.
4. The grounds refer to findings by the judge as follows:
  - (i) American forces and private individuals would have been very security conscious at this time, and in particular on Camp phoenix and FOB Shank;
  - (ii) The Americans would not accept a Taskira that could be obtained so easily through fraud;
  - (iii) A security organisation working in Afghanistan over the last 10 years would not be so lax in security as to make such fundamental errors on their identity documents;
  - (iv) The American company/military would have had no interest in employing an illiterate taxi driver.
5. In oral submissions, Mr Wood amplified these submissions. He drew attention to the appellant's witness statement which set out the process he went through to obtain the job; that there was no evidence before the First-tier Tribunal that the Americans would not employ individuals who were illiterate; that there were scales of illiteracy and this did not mean that documents and stamps could not be identified or that the job he was employed to undertake required a certain level of literacy; many individuals worked for the Americans and it was not unreasonable to assume that it was not apparent for whom exactly he was working. The finding that it was inconceivable that the appellant would not know exactly who he was working for was not a finding grounded in the situation in Afghanistan. It was not clear that the Americans did know that the Taskira was lacking in truth and that the purpose of the Taskira was to show he was the appropriate age, as happens in the UK when documents were produced to give a false age during the two World Wars. In any event the passport had been found to be genuine and that was founded upon the Taskira.
6. The core of the First-tier Tribunal decision was, Mr Duffy submitted, founded upon the overall account of the appellant being internally implausible. The judge notes that appellant is evasive, and does not accept he is illiterate because he says in his own evidence that he completed an application form. The judge refers to weak excuses when he could not recall something or didn't want to answer – snake bite,
7. There is no suggestion that expert evidence was not considered. The judge notes the appellant was evasive and tried not to give detail. His evidence that he was illiterate was contradicted by the evidence that he completed an application form. The judge refers to elements of the appellant's evidence which,

legitimately, seem unlikely and cannot, as submitted be classed as unacceptable speculation for example employing an illiterate taxi driver in a role that required the checking of documents. Overall the decision turns on the credibility of the applicant's claim. Although there may be disagreements with some of the detail, overall the judge gave adequate and sustainable reasons for rejecting the appellant's claim and has not speculated unduly.

Conclusions:

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 the decision. The decision of the First-tier Tribunal dismissing the appeal stands.

Anonymity

The First-tier Tribunal made an order pursuant to rule 45(4)(i) of the Asylum and Immigration Tribunal (Procedure) Rules 2005.

I continue that order (pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008).



Date 20<sup>th</sup> June 2018

Upper Tribunal Judge Coker