

3. In order to avoid confusion, the parties are referred to as they were in the First-tier Tribunal.
4. This is an appeal by the Respondent against the decision of First-tier Tribunal Judge Swinnerton promulgated on 15 January 2018 which allowed the Appellant's appeal against the decision of the Respondent dated 23 October 2017 to refuse her protection claim.

The Judge's Decision

5. Grounds of appeal were lodged arguing that the Judge erred in that he failed to give adequate reasons for finding the Appellants account credible given that he found that she had produced a counterfeit document.
6. On 15 February 2018 First-tier Tribunal Judge Farrelly gave permission to appeal.
7. On behalf of the Respondent Mr Bates relied on the grounds of the appeal. He accepted that the Judge acknowledged the inconsistencies but his explanation for accepting a challenged marriage certificate given his finding that she had produced another counterfeit document was inadequate. There was no reference to the Appellants divorce from her second husband before being forced to marry her third husband. There was no explanation as to why she was unable to contact her sister to visit her in the shelter but was unable to contact her husband whose phone number she memorised until she arrived in the UK. He suggested that if the reason given for her flight from Iraq was rejected the claim was simply a device to circumvent the Immigration Rules.
8. On behalf of the Appellant Mr Sadiq argued that the Judge had provided adequate reasons at paragraphs 63-69 as to why he preferred the evidence of the Appellant and her husband together with the document from the shelter given its consistency with background material.
9. Mr Bates reiterated that the ability and willingness to produce and rely on counterfeit documents undermined the Appellants credibility. The Appellant had had an ample opportunity to manufacture a claim.

Finding on Material Error

10. Having heard those submissions I reached the conclusion that the Tribunal made no material errors of law.

11. As to the duty to give reasons I take into account what was said by the Court of Appeal in MD (Turkey) [2017] EWCA Civ 1958_at paragraph 26:

*“The duty to give reasons requires that reasons must be proper, intelligible and adequate: see the classic authority of this court in Re Poyser and Mills’ Arbitration [1964] 2 QB 467. The only dispute in the present case relates to the last of those elements, that is the adequacy of the reasons given by the FtT for its decision allowing the appellant’s appeal. It is important to appreciate that adequacy in this context is precisely that, no more and no less. **It is not a counsel of perfection.** Still less should it provide an opportunity to undertake a qualitative assessment of the reasons to see if they are wanting, perhaps even surprising, on their merits. The purpose of the duty to give reasons is, in part, to enable the losing party to know why she has lost. It is also to enable an appellate court or tribunal to see what the reasons for the decision are so that they can be examined in case some error of approach has been committed.”* (my bold)

12. I am satisfied that the Judge readily acknowledged that the Appellant had produced a counterfeit identification document but recognised in his assessment of all of the evidence in the round that this was not determinative of the appeal: it was one factor among many that he had to weight in the balance in determining the overall credibility of the Appellants claim to have been the victim of a forced marriage.

13. While he was clear that he was ‘troubled’ by the use of the forged document and recognised that the Appellant had given two different accounts of her route to the UK he accepted in essence that her core claim, that she was a victim of a forced marriage was, based on the lower standard of proof, credible. He of course had the benefit that we did not of hearing the Appellant and her husband give evidence and found the Appellant gave evidence in a ‘clear and straightforward’ manner (paragraph 60) and that the evidence of her and her husband was consistent with each other (paragraph 63). He was also entitled to take into account when assessing the challenge to the genuine nature of the relationship with her current husband that they had a child together and it does not appear from the decision that the fact that her husband was the child’s biological parent was disputed in the hearing. He was also entitled to take into account that her whole account in relation

to the treatment of women, forced marriage and honour crimes was consistent with the background material (paragraph 64).

14. The decision made by the Judge factored in all of the relevant evidence and no single piece of evidence was determinative of the outcome. The weight he gave to each aspect of the evidence was a matter for him. I was therefore satisfied that the Judge's determination when read as a whole set out findings that were sustainable and sufficiently detailed and based on cogent reasoning.

CONCLUSION

15. **I therefore found that no errors of law have been established and that the Judge's determination should stand.**

DECISION

16. **The appeal is dismissed.**

17. **Under Rule 14(1) the Tribunal Procedure (Upper Tribunal) rules 2008 9as amended) the Appellant can be granted anonymity throughout these proceedings, unless and until a tribunal or court directs otherwise. An order for anonymity was made in the First-tier and shall continue.**

Signed
Deputy Upper Tribunal Judge Birrell

Date 6.7.2018