



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

Appeal Number: PA/02618/2018

THE IMMIGRATION ACTS

**Heard at Bradford
On 18 December 2018**

**Decision & Reasons Promulgated
On 04 March 2019**

Before

UPPER TRIBUNAL JUDGE LANE

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

**OMIDEULLAH [U]
(ANONYMITY DIRECTION NOT MADE)**

Respondent

Representation:

For the Appellant: Mr Diwnycz, Senior Presenting Officer

For the Respondent: Ms Khan, instructed by Legal Justice, solicitors

DECISION AND REASONS

1. The respondent is a citizen of Afghanistan. He appealed to the First-tier Tribunal against a decision of the Secretary of State to refuse his international protection claim. The respondent's decision is dated 6 November 2017. The First-tier Tribunal, in a decision dated 27 March 2018, the First-tier Tribunal allowed his appeal. The Secretary of State now appeals, with permission, to the Upper Tribunal. I shall hereafter refer to the appellant as the respondent and the respondent as the appellant (as they respectively appeared before the First-tier Tribunal).

2. The respondent challenges the judge's credibility findings. At [28], the judge found that the appellant was born on 1 January 1997. The appellant had claimed that he was born in 2001. The grounds complain that, having found that the appellant had lied about his age, the judge did not examine his motives for doing so or how his lack of truth might impact upon the remainder of his evidence. Respondent asserts that the judge had not given adequate weight to the failure of the appellant to claim in a European country whilst travelling to the United Kingdom. In particular, the respondent challenges the judge's finding at [35] that the judge had 'no real reason to disbelieve [the appellant]'. It is asserted that that is an insufficient basis for accepting the credibility of the appellant's account.
3. The problem for the respondent is that the judge has not, as the grounds suggest, simply believed the appellant because he had no reason to disbelieve him and, in doing so, ignored the problems in the appellant's evidence. The judge's comment at [35] is made 'despite [the appellant's] reduced credibility for failing to claim asylum *en route* and having lied about his age'. Moreover, at [28-34] the judge deals with the very problems in the appellant's evidence highlighted in the grounds of appeal. He gave little weight, as he was entitled for the reasons he provides, to discrepancies regarding family relationships and vagueness regarding the precise sequence of events in Afghanistan. The judge explains that he accepted that the appellant's memory of precise events may have diminished over the two years it took following the appellant's arrival in the United Kingdom for the respondent to interview him. Judge also notes the appellant's limited education. The judge has, therefore, given detailed reasons for finding that the appellant given a truthful account and for attaching limited weight to apparent discrepancies. I am satisfied that the judge reached findings which were available to him on the evidence. Accordingly, the Secretary of State's appeal is dismissed.

Notice of Decision

4. This appeal is dismissed.

Signed

Date 2 February 2019

Upper Tribunal Judge Lane