IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2023-004748

First-tier Tribunal No: PA/50099/2023
LP/01120/2023

THE IMMIGRATION ACTS

Decision & Reasons Issued:
On 7th March 2024

Before

UPPER TRIBUNAL JUDGE HANSON

Between

SK
(ANONYMITY ORDER MADE)

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:
For the Appellant: Mr West instructed by Longfellow & Co Solicitors.
For the Respondent: Mr Melvin, a Senior Home Office Presenting Officer.

Heard at Field House (via Microsoft Teams) on 15 January 2024

DECISION AND REASONS

1. The appellant appeals with permission a decision of First-tier Tribunal Judge Hillis ('the Judge'), promulgated following a hearing at Taylor House on 12 September 2023, in which the Judge dismissed his appeal against the refusal of his application for international protection and/or leave to remain in the United Kingdom on any other basis.
2. The appellant, a citizen of Pakistan, claims to be at risk on return based on his membership of a Particular Social Group, namely a potential victim of an honour crime, resulting from his unauthorised relationship with a lady whose family have power and influence throughout Pakistan.
3. Having considered the documentary and oral evidence the Judge sets out his findings of fact from [7] of the decision under challenge. The Judge finds the appellant's evidence to be inconsistent and lacking in detail, for the reasons set out at [8 (a – l)].
4. At [8 (k)] the Judge wrote: "*I conclude, on the evidence taken as a whole, and the combined effect of the inconsistencies and lack of detail set out above that the Appellant is not a credible and reliable witness and has failed to show, to the*

low standard required, he is a member of a Particular Social Group as claimed. As this is the sole basis of his application, and Mr West very properly indicated during preliminary discussions that the Appellant did not pursue a Ground of Appeal based on humanitarian protection, I conclude that the Appellant has failed to show that he is at risk of persecution, death or serious harm on return to Pakistan."

5. The appellant sought permission to appeal on one ground, namely the arguable failure by the Judge in his approach to credibility due to mistake of fact and/or arguable failure to apply anxious scrutiny to the evidence.

6. Permission to appeal was refused by another judge of the First-tier Tribunal who stated:

> 2. The sole ground of appeal is that the judge reached findings which were tainted by mistakes of fact and that the reasoning disclosed a failure to anxiously scrutinise the evidence. The single ground of appeal is a headline for a lengthy series of criticisms of the judge's findings of fact. The findings are criticised by asserting that they suffer from illogicality or betrayed a lack of understanding of the nuances of the evidence. These criticisms are supported by minute analysis of particular answers in the substantive interview or lines from the witness statements. The almost line-by-line unpicking of the determination is entirely misconceived and is nothing more than a series of forensic disagreements. It is tolerably clear from a natural reading of the determination that the judge carefully considered the overall evidential picture and reached findings that were open to him. The application is without merit and discloses no arguable errors of law.

7. The appellant renewed the application to the Upper Tribunal. Permission was granted by Deputy Upper Tribunal Judge Jarvis on 30 November 2023, the operative part of the grant being in the following terms:

> 1. The Appellant seeks to appeal the decision of First-tier Tribunal Judge Hillis, promulgated on 25 September 2023. The application is made in-time.
> 2. The "ground" of appeal is prolix and does not structure the challenge to the Judge's credibility findings in an accessible way.
> 3. However, despite the ground at time descending into re-argument of the Appellant's claim, I find that there are arguable aspects: for instance, the Appellant's complaint that the Judge has not explained why his evidence in the witness statement was considered not to provide a reasonable explanation for how he was able to know that 'B' did not have a mobile phone, [paras. 22-24 of the ground of appeal].
> 4. I note that this adverse credibility finding (at para. 8(d) of the Judge's decision) is described by the Judge as being (amongst others) a 'significant inconsistency' [paras. 8(h) & (k)].
> 5. I therefore find that there is an arguable ground of appeal. Out of an abundance of caution I do not limit the Appellant's challenge only to paras. 22-24

8. The Secretary of State opposes the appeal in a skeleton argument/Rule 24 reply for the following reasons:.

9. The grounds assert numerous mistakes of fact, the misstating of A,s evidence and failure to anxiously scrutinise the evidence in the appeal.

10. <u>Secretary of State's submissions</u>

11. It will be respectfully submitted that the Ground(s) of appeal is/are without merit and are no more than a series of forensic disagreements with the fact finding.

12. It will be submitted that it was open to the judge to conclude that the appellant claiming the relationship lasted 18 months when factually it began in early 2009 and "B" was killed by her family late in 2009 was factually inconsistent (RFRL 26). It is submitted that the appellant cannot hide behind the passage of time given that he chose to make his claim for asylum a decade after arriving in the UK

13. Again, it will be submitted that it was open to the judge (8 (b & c)) to point to the evidence as being inconsistent and read properly the adverse points raised by the judge make perfect sense.

14. It will be submitted that that the findings made by the Judge [8 a-k] are findings open to the judge to make without irrationality. It is clear that the judge has assessed all of the evidence presented Counsel on behalf of the appellant having indicated [3] that Credibility was the main issue to be decided and only if found credible would there be a consideration of internal relocation and state protection.

15. Upper Tribunal and senior courts have been recently re-iterated the following principles in relation to Judge's fact finding and the giving of reasons for the decision.

16. These can be found in **Volpi v Volpi EWCA Civ 464 [2022]** as per Lewison LJ at [2](ii & vi),

> ii) The adverb "plainly" does not refer to the degree of confidence felt by the appeal court that it would not have reached the same conclusion as the trial judge. It does not matter, with whatever degree of certainty, that the appeal court considers that it would have reached a different

conclusion. What matters is whether the decision under appeal is one that no reasonable judge could have reached.

vi) Reasons for judgment will always be capable of having been better expressed. An appeal court should not subject a judgment to narrow textual analysis. Nor should it be picked over or construed as though it was a piece of legislation or a contract.

The Upper Tribunal/ Presidential decision in **Joseph (permission to appeal requirements) UKUT 00218 [2022](IAC)**

3) Applications for permission to appeal should be made by reference to the established principles governing errors of law. Judges considering applications for permission to appeal should resist attempts by appellants to dress up or re-package disagreements of fact as errors of law.

The Upper Tribunal/ Presidential decision in **TC (PS compliance - "issues-based" reasoning) Zimbabwe [2023] UKUT 164 (IAC)** where the UT helpfully sets out in the Appendix.

The following principles can be derived from the authorities in relation to the giving of reasons by the FTT and their subsequent scrutiny on appeal in the UT.

(1) Reasons can be briefly stated and concision is to be encouraged but FTT decisions must be careful decisions, reflecting the overarching task to determine matters relevant to fundamental human rights and /or international protection.
(2) The evidence relevant to the issues in dispute must be carefully scrutinised but there is no need to set out the entire *interstices* of the evidence presented or analyse every nuance between the parties.
(3) The reasons for a decision must be intelligible and adequate in the sense that they must enable the reader to understand why the matter was decided as it was, and what conclusions were reached on the 'principal important controversial issues'.
(4) It is not necessary to deal expressly with every point, but enough must be said to show that care has been taken in relation to each 'principal important controversial issue' and that the evidence as a whole has been carefully considered.
(5) The best way to demonstrate the exercise of the necessary care is to make use of 'the building blocks of the reasoned judicial process' by identifying the 'principal important controversial issues' which need to be decided, giving the appropriate self-directions in law on those issues, marshalling (however briefly and without needing to recite every point) the evidence which bears on those issues, and giving reasons why the principally relevant evidence is either accepted or rejected.

(6) Where there is apparently compelling evidence contrary to the conclusion which the judge proposes to reach that must be addressed.
(7) Where the parties agree on matters, there is no need for this to be rehearsed in any detail within the decision: the reasons must focus upon the issues that continue to be in dispute.
(8) The reasons need refer only to the main issues and evidence in dispute, not to every material consideration or factor which weighed with the judge in their appraisal of the evidence. But the resolution of those issues vital to the judge's conclusion should be identified and the manner in which they resolved them, explained.
(9) The reasoning should enable the losing party to understand why they have lost.
(10) The degree of particularity required depends on the nature of the issues falling for decision and the nature of the relevant evidence, including the extent to which it is disputed.
(11) The reasoning must not give rise to a substantial doubt as to whether the decision-maker erred in law but inferences as to insufficiency of reasons will not readily be drawn.
(12) Experienced judges are to be taken to be aware of the relevant authorities and to be seeking to apply them without needing to refer to them specifically, unless it is clear from their language that they have failed to do so.
(13) Appellate restraint should be exercised when the reasons a FTT gives for its decision are being examined; it should not be assumed too readily that the tribunal misdirected itself just because not every step in its reasoning is fully set out in it.

17. Conclusion

18. It will be respectfully submitted that the First Tier Judge has carefully considered the decision, has carefully scrutinised the issues in dispute, has given intelligible reasons covering the principle controversial issue that needed to be decided and has done so without irrationality and in a way that is plainly understood by the reader. In this appeal the focus was on the credibility of the account of the claimed events from 2009/2010 which the judge did consider fully giving full and adequate reasons why the appellant's evidence was rejected after hearing from the appellant and considering his evidence.

19. The UT will be respectfully urged to reject the grounds of appeal and uphold the decision of the Ft (Judge Hillis)

Discussion and analysis

9. It is not disputed there is a requirement upon a judge to consider the evidence with the required degree of anxious scrutiny and to make findings on relevant

points which are supported by adequate reasons. It is settled law that those reasons only need to be adequate, not perfect.

10. It is also settled law that a judge need not set out in the body of a determination all the evidence relied upon by a party provided it is clear that the material was considered.

11. The Secretary of State refers in his Rule 24 refers to the decision of the Court of Appeal in Volpi & Anor v Volpi [2002] EWXCA Civ 464. At [66] – [65] in the judgement of Lord Justice Lewison, with whom Lord Justices Males and Snowdon agreed, it is stated an appellate court or Tribunal 'should not interfere with the trial judge's conclusions on the primary fact unless it is satisfied that he was plainly wrong…. What matters is whether the decision under appeal is one that no reasonable judge could have reached'.

12. At [2 (iii)] Lewison LJ said:

"An appeal court is bound, unless there is compelling reason to the contrary, to assume that the trial judge has taken the whole of the evidence into his consideration. The mere fact that a judge does not mention a specific piece of evidence does not mean that he overlooked it."

13. The First-tier Tribunal judge who refused permission to appeal correctly describes the grounds relied upon in seeking permission to appeal. This tribunal is grateful to Mr West for focusing on what he believed are the core aspects of the challenge, especially in light of the comments made in the grant of permission by the Deputy Judge.

14. Paragraph [5] of the grounds indicates the appellant advances as an arguable ground of appeal the failure by the Judge in his approach to credibility due to mistake of fact and/or arguable failure to apply anxious scrutiny to his evidence.

15. At [8] it is stated the Judge dismissed the appellant's honour killing protection claim primarily on the basis of credibility and the core findings he made at [8] of the determination. That statement is factually correct.

16. At [10] is a challenge the Judge's finding at [8 (a)]. In that paragraph the Judge writes: "*The Appellant stated the relationship with the lady started in the first three months of 2009 and lasted for 18 months despite claiming that the lady was killed by her family when they discovered the relationship in late-2009."*

17. The grounds assert the Judge "somewhat misrepresented what the appellant actually stated in his evidence because he twice perfectly reasonably states that he can't remember exactly when this was". The grounds refer to the response to question 4.1 of his Asylum Screening Interview (ASI) and to question 98 of the Asylum Interview record and claims the asylum interview cannot be a memory test and there is no suggestion other dates are inconsistent.

18. At question 4.1 of the ASI the appellant was asked to briefly explain all the reasons why he could not return to his home country. His reply is recorded as follows:

I was seeing a girl who I loved. Her father was involved with the Taliban. Her father and brother found out we were seeing each other. They killed her and my father and brother too, all because of me.

This happened in 2009 -I can't remember exactly when this was.

I will be killed because I have been told that I will be beheaded.

The family of the girl will kill me as they were willing to kill their own daughter.

The people I fear are:

Father: [IM]
Brother [K]
Brother [S]
I don't know the surname/family name of this family only that they lived in the next village.

The girl they killed,[IM's] daughter was called [BI].

19. At question 98 of the asylum interview the appellant was asked "*Just to clarify, roughly in 2009 did you first meet [B]*? To which he replied, "*It was the beginning of 2009, I cannot remember exactly the date, it was the first three months, I remember it was the cold season".*
20. The claim the Judge erred at [8(a)] because the appellant claimed he could not remember the date when the relationship commenced does not establish legal error. The Judge clearly noted the appellant's reply to the questions asked at the asylum interview and screening interview, that the relationship started in 2009. In his reply to question 98 of the asylum interview, in which the appellant was asked to provide more detail, he stated that it commenced in the third months of 2009. That is accurately recorded by the Judge. The appellant's other evidence, bearing in mind the Judge had both written and oral evidence, was that the relationship had been discovered in late 2009 that had lasted for 18 months. Claiming the appellant could not remember the precise dates does not made a Judge's finding on the evidence as a whole wrong. The appellant claimed both that his relationship had lasted for 18 months from early 2009 but also that it ended after a much shorter period. The Judge was entitled to find this to be inconsistent. That is of finding within the range of those available to the Judge having considered the evidence with the required degree of anxious scrutiny. I do not find it established that the Judge has misrepresented what the appellant actually stated.
21. The grounds also take issue with the Judge's findings at [8 (b)]. In this paragraph the judge found: *b. The Appellant claimed that his lady friend was prepared to run away with him and that he did not agree to that due to the potential problems they would face with her family and that he wished to do things legally. This is inconsistent with them being in a secret relationship for 18 months and the Appellant not approaching her family for her hand in marriage. Additionally, running away together is wholly inconsistent with her family having power and influence throughout Pakistan utilising the Taliban's network.*
22. The grounds assert the Judge's finding is illogical as by the time that B was killed by her family they had only had three dates and that for the Judge to expect the appellant would have approached her family for hand in marriage was unrealistic, even by standards of Pakistani culture.
23. The Judge had strong doubts about whether this relationship ever existed, especially in light of the sustainable finding at [8(a)]. To claim a matter is illogical or irrational is a submission that no reasonable judge or person equipped with all relevant facts would come to such a conclusion. That claim is not made out in the grounds, submissions, or on the facts. If the appellant had been in a relationship with the woman concerned it is not illogical to suggest that after 18 months association, even if were only three face-to-face meetings due to potential difficulties in arranging the same, he would not have approached her family directly or through his own family to enquire whether he could have her hand in marriage. The evidence from the appellant is that they recognised potential problems and that he wished to do things legally. If he wished to do things properly why did he not approach the family for their consent? That is the question posed by the Judge which is a finding within the range of those reasonably open to the Judge on the evidence and cultural norms.

24. The grounds challenge the final sentence of this paragraph in which the Judge finds that running away was inconsistent with the claim B's family have power and influence throughout Pakistan, claiming that it was not something which the appellant could reasonably answer given it was B's idea to run away not his, for which he cannot be reasonably criticised. Such a claim does not establish that the finding of the Judge was outside the range of those reasonably open to him. The appellant claimed the fear the family anywhere in Pakistan as a result of their reach and influence and the power of B's family through the Taliban network. There is a clear contradiction between claiming they could run away from B's family to escape problems and the fact it was claimed they could not go anywhere as their problems would still be there.
25. Claiming the position was more nuanced than the Judge suggested, asserting in the grounds that was only based upon the appellant's answer in the asylum interview question 84 and not question 111, does not establish legal error.
26. At question 84 of the asylum interview the appellant was asked "*So given you were involved with B for so long you should be able to tell me more about what she was like as a person? What was her personality like*?" to which the appellant is recorded as having answered "*She was a beautiful girl and we would just talk and have a chat at the beginning and then we came to the stage that she was willing to run away with me and get away from the family but I did not agree with that because of potential problems for her from the family so I preferred to deal with the matter, legally and according to their tradition".*
27. At question 111 the appellant was asked "*Where would you and B say you are going when you are secretly meeting up?"* To which the appellant replied "*We would talk about, first of all were trying to deal with the matter according to the culture and tradition, accepted by the tradition. Because she knew that if her family found out about our relationship they would kill then we talked about running away but we did not establish or have time where we had to go together*"
28. The first point to note is that the appellant was stating there had been conversations between him and B including about running away and not running away as a result of the influence of the family. The suggestion at [16] of the grounds asserting this was an issue of which the appellant had no input and no knowledge, as it was B's idea, is undermined by his own answers in his asylum interview in which he claims they openly discussed the matter together. The suggestion the position was more nuanced than the Judge suggests is without merit. The Judge was aware of what was being claimed in the appellant's evidence in relation to these issues but did not accept that the appellant was being honest. I do not find any error established in the Judge's findings at [8 (b)].
29. At [19] of the grounds is a challenge the Judge's findings at [8(c)] of the determination in which the Judge writes:

    c. The Appellant claimed that the lady's family are very high-ranking members of the Taliban with power and influence throughout Pakistan and in their home area. I do not accept that the Appellant, in his circumstance as a local shop owner, in particular, would initially be unaware of their status when their village and the Appellant's home village are close to each other. This, in my judgment, is inconsistent with his claim to initially having no knowledge of her family connections to the Taliban despite knowing her full name. Additionally, as the owner on a local shop, it is reasonably likely that the Appellant and his family would know exactly who were powerful and influential in their area.

30. The grounds argue this finding simply ignores what the appellant, very reasonably, stated in reply to question 159 of his asylum interview. The grounds

assert the appellant had clearly given evidence not everyone in the area was necessarily aware of B's family being Taliban members, referring to the fact they did not live in the same village in any event.

31. At question 153 of the asylum interview the appellant was asked whether any members of B's family were high profile members of Lashkar-e-Taiba to which she replied, "*They had proper relationship with them, fathers and brothers, close relationship*". In question 154 the interviewing officer is recording as having stated "*OK, were they high up in the group itself*". To which the appellant is recorded as having stated *"After the leader of the group who was called Mengal Bagh was her father and her brothers in the second highest ranks*"

32. The appellant claimed not to know about her family and family members involvement until their relationship became 'deep' yet still claimed the family were a strong family, a big family, very wealthy, with large sized farmland and property, with influence in the area. When asked what kind of influence that the family have in the area the appellant is recorded as having replied "*They had a good relationship with the rest of the village, fair with them, respectful but personally they had involvement with this group mentioned".*

33. The above is the chain of discussions at the asylum interview that led to question 159 referred to in the grounds seeking permission to appeal. As noted above, the Judge had the benefit of the documentary and oral evidence. It is not outside the range of findings reasonably open to the Judge to have concluded that there was inconsistency in the appellant claiming he was unaware of the status of the family, when they lived in villages close to each other, and the evidence concerning the power influence and reach of the family concerned. That is not an arguably irrational finding.

34. The grounds also take issue with the Judge's finding at [8 (d)], claiming the Judge ignored what the appellant had claimed in his witness statement at paragraph 3 and had ignored or disregarded the witness statement altogether. In this paragraph the Judge wrote "*d. The Appellant is inconsistent in his claim that he was able to obtain her mobile telephone number from her during her second visit to his shop when he also claims that she did not have one until he gave her a mobile telephone. He has provided no reasonable explanation how he knew after her first visit to his shop that she did not have a mobile telephone. Additionally, he would not need to obtain the number from her if he bought it for her."*

35. The appellant asserts that in his witness statement he stated the reason he knew B did not have a mobile number was because he asked for her mobile number when she was in the shop and she told him he did not have a mobile telephone, which is why he gave one so they could communicate together. That is not an irrational or implausible claim by the appellant. The second part of the challenge that the Judge would not need to obtain B's number from her if he bought the phone for her is not illogical, as claimed at [25], as a mobile phone will come with a sim card with an allocated number on it which individuals may prefer not to take if they have a number of their own that they wish to transfer to the new sim. That is what the Judge was considering which is in accordance with standard practice on the evidence.

36. Although the explanation for why the appellant did not know B did not have a mobile number is not implausible it does not establish material legal error in the decision. I specifically reject the submission that even if the Judge erred on this point it establishes a failure to consider all the evidence with the required degree of anxious scrutiny or that it warrants an adverse finding being made in relation to all the other issues discussed above. Such error is not material.

37. At [26] the appellant asserts that the Judge's finding at [8(e)] is illogical.

38. In that paragraph the Judge wrote: *e. The Appellant's claim that the lady's family are high-ranking members of the Taliban is inconsistent with his claim that she would be able to speak to him virtually every night using a mobile telephone he provided for her and, additionally, be permitted to leave home unaccompanied by a male member of her family for sufficient time to see him for a meal in a hotel or restaurant which was a 50-minute drive by car from their respective villages (AI at 110). I further conclude that seeing the lady in a publicly frequented setting such as a hotel/restaurant is not consistent with them seeking to keep their relationship secret."*
39. The grounds assert the Judge assumed that because the father and brother are powerful there will be somebody monitoring B the entire time and it would not be possible to make phone calls. The Judge does not make this finding solely because of the status of the family per se. The Judge at [8 (i)] specifically states he has taken into account the cultural backgrounds and the difference between their home culture and Western culture, both in relation to the status of the appellant as opposed to the status of B and her family, but also considering the claim in context.
40. The appellant claimed B's and family are high-ranking individuals with influence within Lashkar-e-Taiba. The name translates as "Soldiers of the Pure" this is an Islamic militant group that began in Pakistan in the late 1990s. It is describes as a Sunni Islam group of militants operating within the borders of Pakistan. It also been described as one of Pakistan's most powerful jihadi groups. The teachings of the Koran are that a woman should not go out of the house without an appropriate chaperone in circumstances such as those for B. It is also the case that the Judge records nightly telephone calls being made between them for a period of 18 months without being discovered. The evidence was that B lives in a large family in a village where one assumes there will not be the type of noise found in a city that may make it easier for an individual not to be overheard or observed. There is also a clear contradiction between asserting they did not want to do anything illegal as a result of being aware of the risks of doing, so as a result of the influence of B's family, yet openly going for a meal in a hotel together in the public setting of a restaurant. The Judge's conclusion that that is inconsistent is within the range of findings the Judge was clearly able to make on the evidence. Even if the appellant claimed B was going out of the house shopping that does not explain how, even if a false pretext, she was able to do so as an unaccompanied unmarried female member of a strict Islamic household without a chaperone.
41. The appellant claimed he and B shared many hobbies but that does not get over the fact that an unmarried female and a male she could marry will be allowed to associate together without the female being accompanied. It is not irrational for the Judge to cast doubt upon the appellant's claims in relation to the meeting, duration of relationship, or claimed association.
42. At [31] the appellant claims he did give evidence about what he liked about B but there is nothing irrational about the Judge's finding that there was a contradiction between the amount of contact the appellant claimed to have had with B and his lack of specific knowledge about her. The Judge refers to vague comments which is confirmed by the answer a question 112 of the asylum interview.
43. At [33] the Judge is said to have made findings which primarily rely on the preceding paragraphs which the appellant claims are unlawful and not sustainable. That ay be the appellant's view, but he has not established legal error material to the Judge's decision in relation to the credibility of the appellant's claim.

44. At [38] is a challenge to the Judge's findings at [8 (j)], which the appellant claims is not rational. In that paragraph the Judge writes: *j. The Appellant is inconsistent in his account that the lady's family killed his father and brother in an honour crime and left his other brother alive and living with his mother and yet nine years later they would still be searching for him in Pakistan and would be able to discover that he had returned, would find him and behead him not withstanding background evidence that honour crimes can be committed decades later. It is also inconsistent with his account that he fled to Karachi for about a year and travelled to Islamabad with an agent to provide his photograph and fingerprints to obtain a visit visa to the UK in his own name. It is also inconsistent with him leaving Pakistan from an international airport under his own identity even with an agent. In my judgment, if the Taliban had the scale of network where they could find out the Appellant had returned to Pakistan and to trace him if he tried to internally relocate to an urban area after nine-years he would not have been able to leave the country without difficulty.*
45. The Grounds assert the Judge is finding that unless the Taliban killed the appellant's entire family his story cannot be true which is perverse, but that is not the finding of the Judge. The author the ground should not make a suggestion which is not made in the determination nor in any part of the Judge's findings. The Judge takes the appellant's claim that B's family have a substantial network and influence within Pakistan and then identifies the appellant's claims against that, which are not found to be consistent with each other. It has not been shown to be a finding outside the range of those available to the Judge on the evidence.
46. The claim in the grounds the appellant's case was objectively well-founded does not show that the Judge's finding that it was not well-founded, that any discrepant aspects were not properly explain subjectively or objectively, are not findings reasonably open to the Judge on the evidence. This is disagreement with findings made.
47. The grounds assert at paragraph [8(l)] a misapprehension of Counsel's submissions which were not that the circumstances did not permit an appeal under Article 8 as the Judge suggests but rather the appellant did not wish to pursue his human rights claims. Even if the Judge's recording of that issue is as per the grounds the reality is that Article 8 was not pursued before the Judge and there is therefore no error in the Judge not making any findings on this issue.
48. The finding the appellant lacked credibility, that no weight can be put on his claim, warranting the dismissal of the appeal under the refugee convention or any other protection ground, is clearly within a range of those reasonably open to the Judge on the evidence. I do not find the claim the Judge made material mistakes of fact and/or failed to anxiously scrutinise the evidence, sufficient to amount to procedural unfairness capable of amounting to material legal error of law, made out.
49. The Judge's finding the appellant is not entitled to be recognised as a refugee or a person entitled to any other form of international protection has not been shown to be rationally objectionable.

Notice of Decision

50. The First-tier Tribunal has not been shown to have materially erred in law. The determination shall stand.

C J Hanson

Judge of the Upper Tribunal
Immigration and Asylum Chamber

15 January 2024