



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

Appeal Number: AA/11569/2014

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 10<sup>th</sup> September 2015**

**Decision & Reasons  
Promulgated  
On 22<sup>nd</sup> September 2015**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE DAVIDGE**

**Between**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Appellant

**and**

**D R K**

(ANONYMITY DIRECTION PREVIOUSLY MADE)

Respondent

**Representation:**

For the Appellant: Ms R Francis, instructed by Elder Rahimi Solicitors  
For the Respondent: Ms K Henry, Home Office Presenting Officer

**DECISION AND REASONS  
EXTEMPORE JUDGMENT**

1. The Appellant before me was the Secretary of State, the Respondent in the case before the First-tier Tribunal and the Respondent before me is the Appellant in the proceedings below. I shall refer to the parties as they were known in the First-tier Tribunal in order to avoid confusion.

2. The Respondent appeals with permission a decision of the First-tier Tribunal, Judge Onoufriou in which the judge allowed the Appellant's appeal against the Respondent's refusal of asylum, the decision of the Respondent being dated 20<sup>th</sup> November 2014.
3. The grounds of challenge as they were substantively argued before me are that the judge failed to appreciate that there were issues about the documents provided by the Appellant that went to their reliability.
4. The respondent asserts that this is an error because the matter was live before the First-tier Tribunal because there were two different translations of one of the documents. The Respondent took the point that the fact of having two different translations was of itself a matter which went to the Appellant's credibility, and accordingly the judge needed to make a clear finding in respect of that matter.
5. I am satisfied reading the decision that the judge has dealt with the issue appropriately at paragraph 32. The judge records in the decision, as reflected in the Record of Proceedings, that the Home Office Presenting Officer on the day acknowledged that there was no issue as to the authenticity of the documents. The judge finds that the documentation provided is not inconsistent, as had been argued by the Respondent in the reasons for refusal, with the Appellant's claim concerning his position as Vice President in the organisation [ ]. An organisation the Appellant established in his country of origin. The judge explains that the document confirming the Appellant's position as a staff member and manager refers to [ ], not [ ], and so is not undermining as the Respondent states in the Reasons for refusal letter.
6. The judge fully understood the case as it was being argued before him on the day and has reached conclusions which were open to him on the evidence and he did not place the importance on this piece of evidence that the Respondent sought to place upon it, and he has explained perfectly adequately why he took that different view. In short the mistranslation point fell away in the context of the reasoning. There is no merit in the suggestion made in the ground that an error in translation of the document is sufficient to establish perversity in what is a rounded and cogent credibility finding.
7. The Respondent takes issue with the judge's statement, paragraph 30 and 31, to the point that he states he is satisfied that the Appellant is a Doctor, and that his circumstances as such, are that he would be unlikely to contrive an asylum claim in order to come to the United Kingdom. That paragraph reads as more of a comment than a finding. The details of why the judge found the Appellant to be a credible witness are set out at some length, to the point that even if his understanding that the Appellant might easily have been able to come to the United Kingdom in some work capacity was wrong, it does not infect his overall conclusions in respect of the credibility of the core of the Appellant's account, which that is quite firmly based on the documentary and other evidence that the Judge has referred to.

8. The Section 8 point raised in the grounds was not relied upon in the hearing today but in any event I take the view that the judge's reasoning in accepting the Appellant's explanations for his late claim are adequate, and properly set out at paragraph 34.
9. It follows for all of the reasons that I have set out above that I find that the First-tier Tribunal have not materially erred and that the decision of the First-tier Tribunal stands.

### **Notice of Decision**

The decision of the First-tier tribunal reveals no material error of law so that the decision allowing the appeal stands.

### **Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008**

It has previously been found appropriate that the Appellant be afforded anonymity. Unless and until a Tribunal or court directs otherwise, the Appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him or any member of their family. This direction applies both to the Appellant and to the Respondent. Failure to comply with this direction could lead to contempt of court proceedings.

Signed

Date

Deputy Upper Tribunal Judge Davidge