



**Upper Tribunal
(Immigration and Asylum Chamber)**
PA/01319/2019

Appeal Number

THE IMMIGRATION ACTS

Heard at Birmingham
Promulgated
On 4th September 2019

Decision and Reasons

On 4th November 2019

Before

DEPUTY UPPER TRIBUNAL JUDGE PARKES

Between

ABDULNASER IBRAHIM
(ANONYMITY DIRECTION NOT MADE)

Appellant

And

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

For the Appellant: Mr F Mahmood (Solicitor, Morden Solicitors LLP(Birmingham))
For the Respondent: Ms H Aboni (Home Office Presenting Officer)

DETERMINATION AND REASONS

1. The Appellant's appeal against the Secretary of State's refusal of his asylum application was dismissed by First-tier Tribunal Judge V A Cox for the reasons given a decision promulgated on the 1st of May 2019. The Judge did not accept that the Appellant was a member of the Zaghwa, a non-Arab Darfuri tribe, and found he was not in need of international protection.
2. The grounds argue that the Judge erred in the assessment of the Appellant's language referring to the CPIN and the evidence that members of the African tribes speak Arabic and their own language whereas Arabs speak only Arabic. It was also argued that the Judge had not properly considered the relevant country guidance in failing to consider that the Appellant was a member of the Zaghwa tribe and therefore at risk by that fact alone. Finally it was asserted that had not followed the guidance in Chiver in assessing the Appellant's credibility. Permission was granted on all grounds.

3. There was no rule 24 response from the Home Office but in submissions both parties maintained their respective positions. The submissions are set out in the Record of Proceedings.
4. The real complaint is that the Judge did not find that the evidence showed the Appellant was from the Zaghwa tribe and therefore rejected the claim that he is a non-Arab Darfuri. There were several strands of evidence including evidence from supporting witnesses and the Appellant's ability to speak the tribal language.
5. In the decision the Appellant's evidence was set out in some detail. There were differences discussed particularly with regard to what he had told the Home Office in interview and his evidence about his brother's disappearance and being located in 2014. The Appellant did not explain how the same date of birth had been recorded in Italy.
6. There were issues with the evidence from the Zaghwa community and how contact had been made and how his claim had been verified and inconsistencies between the Appellant and his father. There were also issues around the number of attacks and when those had taken place.
7. Having set out the evidence the Judge discussed from paragraph 63 onwards having reminded herself about the caution required when approaching evidence having regard to age and the fact that some aspects could be rejected while others were accepted. The Judge found a series of inconsistencies that were set out and analysed the Appellant's explanation for what was said at the Screening Interview.
8. So far as the Appellant's ability to speak Zaghwa was concerned the Judge observed at paragraph 85 the weight to be to that. However, the observation that it was weighty evidence did mean that the Appellant's ability was determinative of the issue and the evidence relied on does not assert that or anything similar either. It cannot be said that the Judge overlooked the importance of this aspect of the Appellant's case but it fell to be considered alongside the other evidence relied on including the inconsistencies and other issues discussed in the decision.
9. The Judge weighed the evidence overall and having regard to the inconsistencies in the evidence identified was entitled to reject the Appellant's credibility. This is not a decision that can be characterised as superficial or lacking in analysis. The Judge considered all the relevant aspects, the decision was open to the Judge for the reasons given and accordingly I find that there is no error in the decision.

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.

Anonymity

The First-tier Tribunal did not make an order pursuant to rule 45(4)(i) of the Asylum and Immigration Tribunal (Procedure) Rules 2005 and I make no order.

Signed: 

Deputy Upper Tribunal Judge Parkes

Dated: 25th September 2019

Fee Award

In dismissing this appeal I make no fee award.

Signed: 

Deputy Upper Tribunal Judge Parkes

Dated: 25th September 2019