



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: AA/00031/2016

**THE IMMIGRATION ACTS**

Heard at Glasgow  
on 29 August 2017

Determination Promulgated  
31 August 2017

Before

**UPPER TRIBUNAL JUDGE MACLEMAN**

Between

[B A]

Appellant

and

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

For the Appellant: Ms J McCallum, of Latta & Co, Solicitors  
For the Respondent: Mrs M O'Brien, Senior Home Office Presenting Officer

**DETERMINATION AND REASONS**

1. The respondent refused the appellant's asylum claim for reasons explained in her letter dated 17 December 2015.
2. First-tier Tribunal Judge Hillis dismissed the appellant's appeal for reasons explained in his decision promulgated on 18 March 2017.
3. The appellant sought permission to appeal to the UT on the following grounds:

"... the judge's decision contains several arguable errors in law:

(1). The credibility assessment rests partly on the finding at paragraph 43 that the US asylum application of the appellant's brother, Samuel, contains a discrepant date as to when he fled Ghana. This is repeated at paragraph 44. The judge appears to have misread the date which is written in the American format of MM/DD/YY rather than the format of DD/MM/YY ... Samuel is stating he left on 6 September 2006, not 9 June 2006. This error of fact has clearly

affected the credibility statement and the weight placed on the appellant's brother's refugee status.

(2). Separately ... the judge erred when he states at paragraph 44 any states that there is no evidence of the factual basis on which the appellant's stepmother and brother were granted status ... various documents were lodged in the respondent's bundle - item S was a copy of Samuel's asylum application (at S6 he provides a detailed description of the claim which matches that of the appellant) and 13 contained a copy of his asylum status document. If this evidence was properly considered, the credibility and risk assessment may have been different."

4. On 19 July 2017 FtT Judge Bennett granted permission:

"... because it is arguable that the judge misunderstood the date given by the appellant's brother in his application for asylum in the USA as the date of his departure from Ghana, as argued in the first proposed ground."

5. Ms McCallum relied on the grounds, and submitted further as follows. The judge misunderstood the date when the appellant's brother fled from Ghana. That misapprehension fed doubt into the judge's mind, and affected the weight which he gave to the claims made by the appellant's relatives in the USA. But for that misapprehension, those claims could and should have been given significant weight. As to ground 2, the judge overlooked that the appellant's brother on the copy form produced gave a detailed description of his claim, matching that of the appellant. That was another matter which, once properly understood, might make a significant difference to the outcome. The decision should be set aside and remade.
6. The Presenting Officer submitted thus. Ground 1 did disclose an error of fact. However, that did not undermine the judge's overall analysis and his rejection of the account of the family's forcible eviction from their home. The more fundamental point made by the judge remained - he had no evidence of the reasons why family members were granted status in the USA. The description referred to in ground 2 was not detailed and did not show any basis for protection. No error of fact material to the decision was shown. The grounds overlooked the conclusion that although there was support for the appellant's claim that his father, like other senior officers, had been treated unfairly by the military in Ghana, there was nothing at all to show that the families of such soldiers were targeted. Even "taken at highest" the appellant's account of events did not support the proposition that he was at risk of persecution if he were now to return to Ghana.
7. I reserved my decision.
8. Ground 2 may be dealt with first. The passage referred to at page S6 shows that the appellant's brother answered a question about their father's part in the military by describing his rise to high rank. It says nothing about circumstances giving rise to a protection claim, and does not significantly advance the appellant's case. This ground discloses no error.
9. The error over a date disclosed by ground 1 did play some part in the Judge's thinking. It led to the view that eviction from military accommodation in Ghana

could not have placed a part in the family's departure, because it occurred after not before the date of travel to the USA.

10. However, that slip did not bear decisively on the outcome, and is not of such significance as to translate into an error of law requiring the decision to be set aside.
11. The Judge found at ¶42-46 that at its realistic highest the appellant's account was one of forceful eviction of the family from military accommodation in Ghana in June 2006, a contractual dispute between his father and his employers showing no past persecution of family members. At ¶48-55 he found no reliable evidence of risk to members of soldiers' families, and held that possibility to be remote and speculative. The appellant has shown no error of law in those conclusions.
12. The decision of the First-tier Tribunal shall stand.
13. No anonymity direction has been requested or made.

A handwritten signature in black ink, reading "Hugh Macleman". The signature is written in a cursive style with a large, stylized initial 'H'.

29 August 2017  
Upper Tribunal Judge Macleman