



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

Appeal number: PA/06849/2017

THE IMMIGRATION ACTS

Heard at Glasgow

**Decision and
Promulgated**

Reasons

On 8 November 2018

On 21 November 2018

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

**A K KATASI
(anonymity direction not made)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

For the Appellant: Mr K Forrest, Advocate, instructed by Latta & Co, Solicitors
For the Respondent: Mr A Govan, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. This decision is to be read with:
 - (i) The respondent's decision dated 3 July 2017, refusing the appellant's claim on protection and other grounds.
 - (ii) The appellant's grounds of appeal to the First-tier Tribunal.

- (iii) The decision of FtT Judge J C Grant-Hutchison, promulgated on 11 May 2018.
 - (iv) The appellant's grounds of appeal to the UT, stated in the application for permission to appeal filed on 25 May 2018.
 - (v) The grant of permission by FtT Judge Keane, dated 22 June 2018.
 - (vi) The respondent's rule 24 response, dated 6 September 2018, to the grant of permission.
2. Mr Forrest submitted further to the grounds along these lines:
- (i) The rule 24 response suggested that any error in relation to the immigration history of the appellant's husband was immaterial, but that was not supportable.
 - (ii) The judge's reasoning fell into three main themes, but these were all inter-connected, all going to the sexuality of the appellant's husband and her association with him, so the error could not be isolated.
 - (iii) This was clear from the judge's opening on the first theme at paragraph 12, "In my view there is a problem for the appellant ... from the start", which suggested her mind was made up at that point, and infected all that followed. That could be read as the end as well as the beginning of the decision.
 - (iv) It was an unwarranted leap for the judge to take it that the appellant's claim had failed because he did not establish his sexuality.
 - (v) While the judge had been entitled to decide as she did within the second and third themes, those could not be isolated from the error, to support her overall conclusion.
 - (vi) The case should be remitted to the FtT.
3. Having considered also the submissions for the respondent, I find that the decision did not involve the making of any error on a point of law.
4. At highest for the appellant, the judge might have gone a little too far at paragraph 12 in finding that the appellant's husband had not shown that he is gay. It was clear that he had not made out his protection claim, but conceivably either that was advanced on some other basis, or he might have shown he was gay, but nevertheless not have been at risk in Uganda.
5. Those points are theoretical rather than real. If there was much truth in the account given by the appellant, it is not realistic to think that her husband might have advanced a claim not involving his sexuality. It is equally unlikely that he might have failed to show a protection need, yet she had a good claim, starting from the same foundation.

6. The judge does identify a problem for the appellant “from the start”, but judges must deal with matters in some order. The sequence of treatment is logical.
7. There is no error in the resolution of theme one, arising from the fact that the appellant’s husband failed to establish a need for protection, at paragraph 12.
8. The second theme is the finding that the appellant is a witness of poor credibility at paragraph 13 (a) - (h). None of those 8 sub-passages of reasoning have been said to contain error. Some of them are very strong.
9. The third theme, paragraphs 14 - 21, is the treatment of the appellant’s documentary evidence, including the commentary on that evidence of an expert instructed on the appellant’s behalf. Again, no errors are suggested. The documentary evidence did not just fail to support her case, it seriously undermined it.
10. Even if there had been some error in theme one, the reasoning in themes two and three is powerful; either alone might have been the end of the appeal. Taking all three themes together, the rejection of the appellant’s case is overwhelmingly justified.
11. The decision of the First-tier Tribunal shall stand.
12. No anonymity direction has been requested or made.



8 November 2018
Upper Tribunal Judge Macleman