



**IN THE UPPER TRIBUNAL**  
**IMMIGRATION AND ASYLUM CHAMBER**

Case No: UI-2022-006224

First-tier Tribunal No: PA/00676/2022

**THE IMMIGRATION ACTS**

**Decision & Reasons Issued:  
On 19 September 2024**

**Before**

**UPPER TRIBUNAL JUDGE RIMINGTON**

**Between**

**SA  
(ANONYMITY ORDER MADE)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Mr G Hodgetts, instructed by Duncan Lewis Solicitors  
For the Respondent: Ms S Rushforth, Senior Home Office Presenting Officer

**Heard at Cardiff Civil Justice Centre on 21<sup>st</sup> August 2024**

**Order Regarding Anonymity**

**Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, [the appellant] (and/or any member of his family, expert, witness or other person the Tribunal considers should not be identified) is granted anonymity.**

**No-one shall publish or reveal any information, including the name or address of the appellant, likely to lead members of the public to identify the appellant (and/or other person). Failure to comply with this order could amount to a contempt of court.**

## **DECISION AND REASONS**

1. The appellant appeals against the decision of First-tier Tribunal Judge Wilson (the judge) who on 29<sup>th</sup> November 2022 dismissed his appeal on protection, humanitarian protection and human rights grounds.
2. The respondent had refused the appellant's claim on 2<sup>nd</sup> September 2021 and as identified in the decision of the First-tier Tribunal Judge there is a single factual issue in dispute which is the appellant's nationality. The appellant claimed that he was a national of Syria. The judge correctly identified that if it was accepted that the appellant is a national of Syria then his asylum appeal must be allowed further to KB (Failed asylum seekers and forced returnees) Syria CG [2012] UKUT 00426. The judge proceeded to make a series of findings following hearing oral evidence from the appellant and submissions and having taken note of a Sprakab Linguistic Analysis Report dated 15<sup>th</sup> January 2021 and dismissed the claim.
3. The appellant's application for permission to appeal was based on two grounds:
4. Ground 1. The judge had made contradictory findings in that at [25] of the determination the judge contended that the appellant had not demonstrated to the lower standard of proof that he is a Syrian national, but at [23] of the determination the judge stated "... I find this weighs in favour of the Appellant's credibility and is clearly the Syrian National (sic)". These were two contradictory findings on the core aspect of the claim to be decided and the decision was ambiguous.
5. Ground 2. At [22] of the First-tier Tribunal (FtT) determination the judge states "... Looking at the Appellant's evidence as a whole, I find that he has displayed a knowledge of Syria to include a knowledge of certain cities and the currency all of which can be objective (sic) verified. I find that the Appellant speaks Kurmanji which is one of the languages of Syria ...".
6. The judge continued at [22] of the determination "... Accordingly I find that whilst the Appellant's knowledge of Syria weighs in his favour of his claim ..." and at [23] of the FtT determination the judge found:

"... The Appellant's account of military conscription by the Free Syrian Army and various military groups in Syria is consistent the background evidence and weighs in his favour of the credibility of his account. Contrary to the Respondent's assertion, when the Appellant's responses in his asylum interview, at paragraphs 25 to 30, are read as a whole that there is no inconsistency in the Appellant's account rather the Appellant responses are indicative that he is describing military conscription to the Syrian regime's army and attempted conscription to other fighting forces over the period of time was he was in Syria. In addition, I find that the Appellant's account that his village was attacked and his family killed due to conflicts in Syria is consistent ...".
7. At [19] of the judge's determination the judge noted that the Sprakab linguist analyst was not born, raised nor appeared to have ever visited Syria, and the grounds contended at 2.5 that:

"In the light of the factual matrix and significant positive findings as detailed above, it is difficult to understand the rationale for the FTT Judge placing 'significant weight' upon the linguistic analysis and concluding that the

Appellant is not from Syria, particularly given only on the lower standard of proof that the Appellant has to demonstrate”.

8. In a Rule 24 response the Secretary of State confirmed on 30<sup>th</sup> January 2023 that she did not oppose the appellant’s application for permission to appeal and invited the Tribunal to determine the appeal with a fresh “oral (continuous) hearing according to law”. It was added that it appeared that the finding at [23] lacked the clarity required for a finding of such importance. If one took the view that a finding was expressed or implied here it appears to contradict [25].
9. This matter came before the First-tier Tribunal which issued directions on 12<sup>th</sup> April 2023 which were not responded to by the Secretary of State. Further directions as to whether the respondent conceded that the appellant’s appeal should be allowed were issued.
10. On 14<sup>th</sup> August the Secretary of State responded in relation to the position on the preserved findings. This objected to [21] being preserved as it did not reflect that Kurdish Kurmanji is also spoken in northern Iraq as well as Syria. The submission objected to the appellant seeking to extrapolate positive findings from [22] and [23] and yet rejecting the adverse findings. The preservation of findings was not consistent with the fact that the respondent had merely conceded that there had been a contradiction in findings and there was no reason to jettison the finding at [24] on Section 8. It was noted that the judge’s findings on the Sprakab Report [18] to [20] had not been specifically challenged in the grounds of appeal and consequently it also requested that these were preserved.
11. A composite bundle was filed.
12. At the hearing Mr Hodgetts and Ms Rushforth made submissions on the extent of the findings to be preserved. Mr Hodgetts referred to the original grounds of appeal, which at paragraph 2.5 stated that in light of the factual matrix and significant findings of the judge it was difficult to understand the rationality of the judge placing significant weight on the linguistic analysis of the Sprakab Report.
13. I directed that having set aside the decision of the judge, not least because of the contradictory findings on a key element of the appeal (the nationality of the appellant) and the concession by the Secretary of State, both representatives should make submissions on which findings should be preserved. I noted in particular the discussion on which findings of the Sprakab Report should be preserved.
14. I found that much of [18] was in fact the judge’s description of the Sprakab Report although I acknowledge that the judge failed to give adequate reasoning bearing in mind some of his findings as to why significant weight was given to that Sprakab Report. The respondent had already conceded the appeal in relation to ground 1, and in relation to ground 2 I found a material error of law because of the inadequate reasoning given by the judge and the inconsistent approach to the Sprakab Report. I have thus preserved findings which relate to the observations on the Sprakab Report but deleted those which depart from mere description and rely on inference bearing in mind the challenge in the grounds of appeal.
15. I find that the judge made a material error of law in his approach to the appeal and set aside the decision save for the following findings which are preserved:

- “18. a. *A language analysis cannot reach conclusions concerning the actual domicile or citizenship of a speaker. Language use, citizenship and national borders do not necessarily have to coincide. The assessed language use can be evaluated in relation to the expected language use that is based on the speaker’s stated background.*
- b. *Primarily analysts must have an excellent command of the language in question to a level corresponding to a native speaker and demonstrate a very good ability to identify and analyse languages and dialects.*
- c. *The analyst who conducted the analysis linguistic analysis was born and raised in Armenia and resided in Russia. The analyst analyses Kurmnaji, Armenian and Russian. The analyst last visited Iraq in 2016.*
- d. *Analysts must have an excellent command of the language in question corresponding with a native speaker and demonstrate a very good ability to identify and analyse languages and dialects. This involved testing against archived language analysis the results of which have been reviewed on multiple occasions there is then introductory period where all of the analysts work is reviewed by approved analysts who have extensive experience of the relevant language.*
- e. *The analysis is based upon a 16 minute recording.*
- f. *The analyst concludes with a high degree of certainty that the linguistic background of the Appellant is assessed to be from the northern area of Iraq. The report concludes that it is unlikely that the Appellant’s linguistic Bhangra background is Syria, Hasakah.*
- g. *The analyst noted that the Appellant spoke Kurmanji on a native level. The analyst noted that that in Hasakah governorate South Kurmanji is spoken and that usually displays an influence from Arabic as in many parts of Syria Arabic is used in schools and is adopted as a ‘lingua Franca’ among speakers of different languages”.*

Paragraph 18(h) was deleted. [19] was preserved as follows:

“19. *The Appellant asserts that the analyst who conducted the analysis was not born and raised in Syria which undermines the expertise of the expert to comment upon whether the Appellant’s linguistics are consistent with the dialect of a Syrian Kurmnaji speaker. I accept that the analyst was not born raised nor appears to have visited Syria. However, analyst is from Azerbaijan and the report confirms that this is an area in which Kurmnaji is spoken. I also take note of the rigorous recruitment and testing process for analysts set out at page 3 of the report. On the basis that the Appellant is from a Kurmnaji speaking country together with the rigorous recruitment testing and auditing practices of Sprakab and the analysts membership of the European linguistic group that studies Kurdish dialects within Syria ...”*

16. Further, [21] and [22]:

“21. *The (sic) [Appellant] speaks Kurdish Kurmanji which is one of the languages of Syria.*

22. *The Respondent accepts that some of the Appellant's responses to questions about Syria are consistent with objective country information about the Syria for example City Halab and Syrian currency. In addition, some of the information that the Appellant gave at interview was not capable of verification with external sources such as the name of his school and mosque, medical clinic and the name given for certain television channels. I do not take the lack of verification with external sources against the Appellant. In my judgement if the respondent is to couch her refusal letters in this way the questions that are asked by the interviewer should be couched in such a way as they can be verified by external sources. For example, specific questions in relation to specific landmarks. In addition, I find that the Respondent's conclusions that the Appellant gave inconsistent evidence in relation to his home village Siwan is a mischaracterisation of his response at paragraph 83 of his asylum interview where he clearly states that his home village is Siwan but then goes on to name cities that are close to that home village describing each being approximately 5 to 7 hours away. Each of those cities are within Syria and accordingly, I find that the Appellant has displayed some knowledge of the geography of Syria. That said, the Appellant, when asked about the provinces in Syria, mentioned Halab and Damascus as the capital but no further information. The App stated that he had heard of them [the provinces] but did not remember their names. ... The Respondent states in the refusal letter that the Appellant has incorrectly named the denominations of Syrian currency. There are links to objective evidence within the refusal letter. However, the Respondent does not provide any detailed rationale as to which of the Appellant's responses are inconsistent with the objective evidence. Accordingly, I do not take this claimed inconsistency against the Appellant. The Respondent asserts that the Appellant's evidence that he was born in Siwan village, City Halab is inconsistent with his evidence that he was born in Halab, Aleppo. In the appeal skeleton argument, the Appellant's representatives asserts that Halab is another name for Aleppo. I have not been directed to any objective evidence that supports this assertion. However, I am aware that different communities do identify cities and areas by different names and applying the benefit of the doubt liberally I do not take this claimed inconsistency against the Appellant. Looking at the Appellant's evidence as a whole I find that he has displayed a knowledge of Syria to include a knowledge of certain cities and the currency all of which can be objectively verified. I find that the Appellant speaks Kurmanji which is one of the languages of Syria ...".*

17. Preserved also is [23]:

*"23. The Appellant's account of military conscription by the Free Syrian Army and various military groups in Syria is consistent the background evidence and weighs in his favour of the credibility of his account. Contrary to the Respondent's assertion, when the Appellant's responses in his asylum interview, at paragraphs 25 to 30, are read as a whole that there is no inconsistency in the Appellant's account rather the Appellant responses are indicative that he is describing military conscription to the Syrian regime's army and attempted conscription to other fighting forces over the period of time was he was in Syria. In addition, I find that the Appellant's account that his village was*

*attacked and his family killed due to conflicts in Syria is consistent with the objective evidence”.*

18. No further findings were preserved.
19. Having taken time to reflect Ms Rushforth confirmed that she was content to proceed on the basis of submissions only and did not wish to cross-examine the appellant. Initially there was no interpreter available but I made clear that an interpreter could be available should Ms Rushforth wish to cross-examine the appellant. She did not.
20. Ms Rushforth submitted that she relied on the reasons for refusal only and pointed out that the appellant should prove that he was Syrian. He spoke Kurdish Kurmanji which is a language spoken in both Syria but also Iraq and she submitted that the Sprakab Report should be relied upon. The Supreme Court case of SSHD v MN and KY [2014] UKSC 30\_ confirmed that Sprakab Reports were not infallible but they did not need to be. The report had been heavily criticised but there was no counter report provided to demonstrate the appellant was from Syria. The appellant lacked Arabic in his language and there was extensive use of Arabic in Syria and that fact should be given weight. Although a number of findings had been preserved in the appellant’s favour his knowledge of Syria was not extensive and confined to his home area and to findings such as money currency.
21. Ms Rushforth also submitted that the appellant’s credibility was damaged in relation to Section 8.
22. Mr Hodgetts relied substantially on his skeleton argument. The primary point made was that the appellant had never said he came from Hasakah. Throughout and consistently since entry he had submitted that he was born in Aleppo and had lived in a village called Suwan or Sawan which is identified in the objective material and in the interview spelt Siwan and Suwan.
23. This observation wholly undermined the Sprakab Report. The analyst was Kurdish but came from Armenia and had no credentials to show that he spoke Kurdish Kurmanji or what qualifications he had in Kurdish Kurmanji. He had never been to Syria and had only been to Iraq eight years ago and according to **MN** he should be a native speaker of Kurdish Kurmanji and from the report itself it was difficult to establish that.
24. The judge did make the point of saying the analyst came from a European linguistic group but there was no evidence that this particular analyst attended personally and the report stated that he conducted field studies but this analyst had not visited Syria and that undermined the weight to be placed on his expertise.
25. Additionally there was only a sixteen minute extract of his audio and the solicitors had attempted to get the audio recording but this had gone missing and was not available. Again that was one of the features identified in **MN** at [51] such that it was essential that the recording should be made available. That was an important procedural point.
26. Fundamentally the report was deficient. **MN** at [51] states that if an analyst came from a home area, he could deal with home knowledge of the area and the language but this analyst had no knowledge of the area and none of the

biological features of the appellant were given to him for consideration. The appellant was living in an area north of Afrin which is different from where the analyst predicated his report. The appellant was a shepherd and stayed only in that area and had spent time in a Turkish prison and had met a Kurdish Iraqi there and spent time with him and met Iraqi in France and in London.

27. This appellant left Syria in January 2018, the Sprakab recording was in 2021. The appellant had left at the age of 18 and journeyed throughout Europe and the influence on his language could be significant. There was no assessment in the language analysis report as to the influence by outside factors and no analysis in the report that the appellant had not attended school. The report dealt with the fact that Arabic is the official language of Syria and taught in schools but does not say that the appellant had no knowledge but merely that it was insufficient for the district of Hasakah but as identified that is not from where the appellant hailed and looking at a map of Afrin that was close to the Turkish border and the appellant came from northern Iraq and the dialect he shared was with Turkey and Iraq. It was not considered that the Afrin dialect had Turkish features. Analysing a language from the wrong area was significant and Ms Rushforth had said nothing as to the misconception on the Sprakab Report. In terms of the general information there was no challenge but there were five dialects of Kurdish Kurmanji and only one spoken in Iraq and the four others are regional to Syria. Because of the criticisms of the Sprakab Report there was no other reliable evidence that the appellant spoke the fifth dialect in northern Iraq.
28. The other reasons for doubting his credibility related to Section 8 but insignificant weight should be placed upon it, not least because the appellant was told to follow the advice of an agent.
29. It should be noted that the appellant left Iraq in 2018 and identified an attack and bombardment in his village which caused him to leave. The evidence showed that specifically in January 2018 there was a launch of an Operation Olive Branch against that area from which he came and the chief protagonists were mentioned by the appellant.
30. Page 448 references the aerial bombardment and the timing of the appellant's leaving was wholly consistent with the timing of this operation by Turkey. At question 48 of his interview the appellant referred to the protagonists.
31. I was referred to the objective evidence which showed that Aleppo and Halab were identified as being the same and that is at PDF 453. It was also submitted that the appellant knew the currency as lira, the driving time between the cities that he had identified such as Hasakah being seven hours away, and that he had knowledge of Damascus being the capital and had described his village as being very rural and the photographs contained within the objective material confirmed that indeed in the area around Afrin that was the case. Further, the appellant identified Syrian food such as in dolma.
32. The appeal should be allowed.

## **Conclusion**

33. I refer to the findings which have been preserved and I note them above. At the outset I acknowledge that the judgment of the Supreme Court in the **Secretary of State for the Home Department and MN and KY [2014] UKSC 30** is

relevant. This judgment on discussing the requirement of anxious scrutiny to asylum claims held at [32]

‘Similar considerations in my view impose a special responsibility on the Secretary of State and those representing her to ensure that the evidence presented to the tribunal is adequately supported. So in this case Lord Eassie rejected the suggestion that it was enough for the Secretary of State to provide the interview tapes to the appellants, leaving them to obtain their own expert advice. He said, at para 66:

"... as a matter of principle, it is the Secretary of State who invokes the purported expert evidence for her purposes in order to impugn the honesty of the appellant. In accordance with all normal rules of procedure it must therefore be for her to establish, by active demonstration of the appropriate expert qualification, the worth of the evidence upon which she relies to counter the testimony of the appellant."

34. The difficulty for the Sprakab Report is that the appellant clearly in his asylum interview confirmed that he was born in Aleppo and raised in Afrin outside Aleppo. That is a very different district from that which the analyst identified in his report. As noted, and correctly identified by the appellant, Hasakah is approximately seven hours' drive in the direction nearer to northern Iraq.
35. I also acknowledge that the analyst was not a native Kurdish Kurmanji speaker, had not ever been to Syria and had last been to Iraq some eight years ago. I have no doubt as to the expertise of the analyst in his own field but unfortunately for whatever reason it appears he completely misunderstood a fundamental element contributing to the report.
36. Not least it appears that the analyst was not supplied with the biographical details of the appellant. I agree with the submissions of Mr Hodgetts such that no reference was made to the fact that the appellant had not been to school where Arabic is the official language, that he was a shepherd in the local area. The fact in this situation that the appellant does not know certain and specific geographical locations does not persuade me that the appellant is not Syrian.
37. The appellant gave otherwise credible evidence on his knowledge of Syria and the consistency of his account set against the background information and the undisputed fact that he plainly speaks Kurdish Kurmanji, in particular I cite [51] of **MN and KY** of the Supreme Court:

*"51. More generally, there is a case for updating the guidance, which is now more than four years old. As I have explained, the Upper Tribunal in 2010 had limited direct evidence from those critical of the methodology. The conclusion of the present appeals provides an opportunity to review the guidance, in the light of this judgment and of experience in the cases, and any other relevant evidence both for and against Sprakab's methodology. It will be for the President of UTIAC to determine what form that review should take. While it is not for this court to take over that role, some pointers may be helpful:*

- i) *On the basis of the material we have seen, I see no reason in principle why Sprakab should not be able to report on both (a) language as evidence of place of origin and (b) familiarity with claimed place of origin provided, in both cases, their expertise is properly demonstrated and their reasoning adequately explained.*



*(As will be seen below, the problem in relation to (b) was not the nature of the evidence, but the lack of demonstrated expertise.)*

- ii) As to (a), language:
  - a) *The findings (on evidence) in RB are to my mind sufficient to demonstrate acceptable expertise and method, which can properly be accepted unless the evidence in a particular case shows otherwise;*
  - b) *The Upper Tribunal ought to give further consideration to how the basis for the geographical attribution of particular dialects or usages can be better explained and not (as it often currently seems to be) left implicit. The tribunal needs to be able to satisfy itself as to the data by reference to which analysts make judgements on the geographical range of a particular dialect or usage.*
  - c) *The RB safeguard requiring the Secretary of State to make the recording available to any expert instructed for the claimant is not only sensible, but essential.*
- iii) As to (b), familiarity:
  - a) *The report needs to explain the source and nature of the knowledge of the analyst on which the comments are based, and identify the error or lack of expected knowledge found in the interview material;*
  - b) *Sprakab reporters should limit themselves to identifying such lack of knowledge, rather than offering opinions on the general question of whether the claimant speaks convincingly. (It is not the function of an expert in language use to offer an opinion on general credibility.)*
- iv) *On the issue of ‘anonymity’, since the approach in RB was a departure from the norm, it would be appropriate for the tribunal to satisfy itself both that the departure remains justified in the interests of security of Sprakab personnel or otherwise, and, if it does, as to the safeguards necessary to ensure that the evidence is reliable and that no prejudice arises in individual cases. Consideration for example could be given to requiring assurances that the identifying numbers remain with an individual throughout his work with Sprakab, and requiring disclosure of other work done in any related field by the individual (eg advice to Governments, interpretation, translation), and of any occasion on which his conclusions have been rejected by courts or tribunals”.*

- 38. Additionally there was no copy of the sixteen minute recording or transcript provided to the appellant as it had gone missing.
- 39. At 1.2 (381) the Sprakab report mistakenly said that “speaker’s stated linguistic background is Suwan, Hasakah governorate, northern Syria” and at 1.3 goes on to say that it is unlikely that he has the dialect of south Kurmanji from this area.
- 40. Notwithstanding that the relevant language is spoken in Northern Syria and Iraq, the key difficulty is that the appellant never said he came from the Hasakah governorate and the analyst is making a mistake. The analyst was comparing a dialect that the appellant had never claimed to have with one he was supposed

to have to identify his provenance. The report offered no analysis of the actual dialect from the place that the appellant hailed from, a village near Afrin. It appears that the Home Office interviews were not provided which may have alerted the analyst to the difficulty.

41. I accept the appellant had never stated that Suwan or Sawan is in the Hasakah governorate and I was taken specifically to questions 13 and 14 of the appellant's asylum interview to scrutinise this carefully. At question 33 the appellant was asked where Suwan or Siwan was and he confirmed that it was near Aleppo.
42. There was no basis on which it could be established that the appellant's claimed village was in the Hasakah governorate which would correspond to the southern Kurmanji dialect and the report failed to make a comparison of the appellant's dialect with the Afrin or the south western Kurmanji dialect.
43. The Sprakab Report stated that there are several Kurmanji dialects, not least that the southern Kurmanji as spoken in Hasakah was distinct from the south western dialect which is found in Aleppo province and the Afrin dialect also spoken in the Afrin province (report 377). That however in the circumstances does not assist.
44. Further, the report did not say that the appellant had no influence of Arabic in his language but just at 1.3 no "clear *influence* of Arabic" and that he had insufficiently clear influence to justify he came from Hasakah. The report says nothing of what the level of Arabic influence would be found in the Afrin area.
45. As pointed out by Mr Hodgetts Deir Suwan in Afrin and northern Iraq were relatively close to the border of Turkey and the Sprakab Report noted that the regions close to borders tend to influence each other but there was no analysis in the report of the Turkish influence which one would expect for both the south western dialect users near the border such as Afrin and those in the south eastern dialect users in Turkey.
46. Nor had the analyst considered the periods of time the appellant had spent with those Iraqi Kurds subsequent to him leaving Syria and the influences they may have.
47. It was pointed out that the analyst was a Kurdish Kurmanji speaker from Armenia and had lived in Russia. He had no individual lived experience of the language dialects within Syria which were many and complicated as it was not the country's main language which was Arabic and the Sprakab report notes that border areas tended to be fluid and the area of Deir Suwan was a border area. Secondly, there was no evidence of any personal trips to Syria and Iraq. Thirdly, although the analyst was a member of the European linguistic group that studied Kurmanji dialects within Syria there was no evidence of the extent of that group's study and no evidence of field trips. Fourthly, the second linguist had no knowledge of Kurmanji but was purely a linguistic contributor.
48. I also note the consistencies between the appellant's background information in terms of the Turkish army descending upon his local area in 2018 and the Turkish airstrikes in January 2018. The country background material shows fighting between multiple participants in Afrin at the start of 2018 which was consistent with the appellant's account. I also note that the appellant's account of leaving Syria with an agent crossing the border by foot is consistent with the relatively short distance to the Turkish border.

49. I am aware of the general points on credibility under Section 8 of the Asylum and Immigration (Treatment of Claimants etc) Act 2004 but I refer in particular to [20] and [21] of JT Cameroon [2008] EWCA Civ 878, which held with reference to Section 8 'the section does not dictate that relevant damage to credibility inevitably results' and that 'Where section 8 matters are held to be entitled to some weight, the weight to be given to them is entirely a matter for the fact-finder.' I take into account the whole of the evidence and accept that the appellant would have been influenced by agents.
50. Essentially the Sprakab report is based on a mistake of fact. Bearing in mind the factors that I have considered overall and, on the documentation provided, I conclude there is a reasonable degree of likelihood that the appellant, applying the low standard of proof, speaks a language of Syria, has knowledge of Syria and therefore is a Syrian national as claimed. It is uncontentious that the appellant is a Kurd and there was no suggestion that he would be perceived as a supporter of the Assad regime. In accordance with KB (Failed asylum seekers and forced returnees), I therefore allow the appeal.

### **Notice of Decision**

The Judge erred materially for the reasons identified. I set aside the decision pursuant to Section 12(2)(a) of the Tribunals Courts and Enforcement Act 2007 (TCE 2007) and remake the decision under section 12(2) (b) (ii) of the TCE 2007.

The appeal of SA is allowed on asylum and human rights grounds.

Helen Rimington  
Judge of the Upper Tribunal  
Immigration and Asylum Chamber

**12<sup>th</sup> September 2024**