



**Upper Tribunal  
(Immigration and Asylum Chamber)  
PA/07528/2017**

**Appeal Number:**

**THE IMMIGRATION ACTS**

**Heard at Glasgow  
On 10 April 2018**

**Decision & Reasons  
Promulgated  
On 13 April 2018**

**Before**

**UPPER TRIBUNAL JUDGE MACLEMAN**

**Between**

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

Appellant

**and**

**THUONG THI LE**

Respondent

**Representation:**

For the Appellant: Mr M Matthews, Senior Home Office Presenting Officer

For the Respondent: Mr A Bradley, of Peter G Farrell, Solicitors

**DETERMINATION AND REASONS**

1. Parties are as above, but are referred to in the rest of this decision as they were in the FtT.
2. The SSHD refused the appellant's asylum and human rights claims by a decision dated 1 August 2017.
3. First-tier Tribunal Judge Kempton allowed the appellant's appeal for reasons explained in her decision promulgated on 24 October 2017.
4. The SSHD's grounds of appeal are as stated at part C of her application for permission to appeal dated 1 November 2017.

5. Paragraph 1 of the grounds says that the judge allowed the appeal on asylum and human rights grounds, but stated no clear conclusion on article 8. That is correct; but Mr Matthews acknowledged that it is of no moment, if there is no error in allowing the appeal on asylum grounds, which is the main point of the decision.
6. Paragraph 2 says there is no clear finding on risk from loan sharks. Similarly, that is of no importance, unless the finding of a risk on persecution on grounds of religion were to be set aside.
7. Paragraph 3 asserts an inconsistency between paragraphs 31 and 32 of the decision, but there is none.
8. Paragraph 3 says that the judge took no account of section 8 of the 2004 Act, but she plainly did, at paragraph 21.
9. Paragraph 3 also says the judge took no account of "*Dorodian*" on "evidence from Churches", and points out that no witness appeared from the Church.
10. The grounds do not give the citation or quote from "*Dorodian*". Parties concurred that the case was not cited to the FtT, and that there is no rule that a case of persecution for being a Christian cannot be proved without attendance of a witness from a Church in the UK. The judge at paragraph 32 noted that no witnesses attended, but found her evidence consistent and took into account letters from three Churches. I note that these included a recent letter from the administrator of St Andrew's Metropolitan Cathedral, Glasgow, stating that the appellant attends mass there each Sunday. No error is disclosed in this aspect of the case.
11. That leaves of the grounds only a complaint that the judge engaged in speculation at paragraph 31 over why the appellant attended mass in Vietnam on Saturday night not Sunday morning. The judge thought that might have been less suspicious to her parents. That was speculative, when no such explanation was advanced by the appellant; but in context, it is a trivial not a material error.
12. The SSHD has not shown that the decision of the First-tier Tribunal involved the making of any error on a point of law, such that it ought to be set aside. The decision shall stand.
13. The FtT made an anonymity direction but no request was made for such a direction in the UT, and there is no reason to retain it.



10 April 2018  
Upper Tribunal Judge Macleman