



**Upper Tribunal
(Immigration and Asylum Chamber)
PA/06546/2016**

Appeal Number:

THE IMMIGRATION ACTS

Heard at Glasgow

On 18 December 2017

**Decision and Reasons
Promulgated
On 03 January 2018**

Before

DEPUTY UPPER TRIBUNAL JUDGE DOYLE

Between

**R Y
(ANONYMITY DIRECTION MADE)**

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms J Todd, of Latta & Co, solicitors

For the Respondent: Ms M O'Brien, Senior Home Office Presenting Officer

DECISION AND REASONS

1. I make an anonymity order under Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, precluding publication of any information regarding the proceedings which would be likely to lead members of the public to identify the appellant, preserving the anonymity order made by the First-tier Tribunal.

2. This is an appeal by the Appellant against the decision of First-tier Tribunal Judge J C Grant-Hutchison promulgated on 11 July 2017, which dismissed the Appellant's appeal on all grounds.

Background

3. The Appellant was born on 27 May 1978. He is a Palestinian national who was born and lived in the Ain al-Hilweh refugee camp, Saida, Lebanon.

4. The appellant arrived in the UK on 14 December 2015. He claimed asylum the next day. On 9 June 2016 the Secretary of State refused the Appellant's protection claim.

The Judge's Decision

5. The Appellant appealed to the First-tier Tribunal. First-tier Tribunal Judge J C Grant-Hutchison ("the Judge") dismissed the appeal against the Respondent's decision. Grounds of appeal were lodged and on 9 October 2017 Judge E B Grant gave permission to appeal stating

2. The grounds submit the FtTJ erred in law by making a material error of fact (paragraph 16) and failing to take account of material evidence (paragraph 20).

3. This is a case where a Palestinian national is accepted by the respondent to be a Palestinian national from Ain al-Hilweh refugee camp in Lebanon. The issue in the appeal was whether the appellant was at risk from the Lebanese authorities. It is arguable that the FtTJ has made an error of fact in paragraph 16 which may have affected the credibility findings as a whole.

4. In the interests of fairness permission to appeal is granted.

The Hearing

6. (a) For the appellant Ms Todd moved the grounds of appeal. She told me that the Judge had erred in law in two respects, the first that she had misunderstood the evidence and the second that she had failed to take account of background evidence. She told me that those errors affected the overall credibility assessment and render the decision unsafe.

(b) Ms Todd took me to [15] & [16] of the decision. At [15] of the decision the Judge finds that the appellant worked in a bakery outside the refugee camp. At [16] the Judge finds that the appellant is incredible because the Judge finds that the appellant rarely left the refugee camp. Ms Todd told me that that demonstrates that the Judge misinterpreted the evidence and made a material error of fact which coloured the overall credibility assessment.

(c) Ms Todd took me to [20] and [21] and told me that there the Judge failed to take account of the general security crackdown in 2015. She told that the background materials fully support the appellant's account and

were not properly understood by the Judge. She urged me to allow the appeal and set the decision aside

7. (a) For the respondent, Ms O'Brien told me that the decision does not contain errors, material or otherwise. She adopted the terms of the rule 24 note dated 15 November 2017. She took me to [17] of the decision, where the Judge makes alternative findings just in case her findings at [16] were wrong. She told me that the decision from [17] demonstrates that if there is an error contained in [15] and [16] it is not a material error.

(b) Ms O'Brien took me to [21] where she told me that the Judge correctly analysed the objective information placed before her, and demonstrates that she was aware of the background, and so did not make a decision in a vacuum. She told me that [22] to [29] show multiple additional considerations of the appellant's evidence which were all factored into the credibility assessment.

(c) Ms O'Brien urged me to dismiss the appeal and allow the decision to stand.

Analysis

8. This case turned largely on credibility. The Judge found that the appellant was neither a credible nor a reliable witness and so dismissed his claim on all grounds.

9. At [15] the Judge is not making findings of fact; at [15] the Judge summarises the appellant's evidence. At [16] the Judge analyses the evidence, and concludes that the appellant rarely left the refugee camp, explaining that she reached that conclusion because the appellant made a prior inconsistent statement. In any event, the Judge's finding that the appellant rarely left the refugee camp was not determinative of the appeal.

10. The Judge starts 17 by saying

Even if I am wrong....

and considers the case on the basis that the appellant had been detained. At [19] and [20] the Judge explains fully why she rejects the appellant's evidence of detention.

11. It is argued that the Judge misinterpreted background material & did not understand that there was heightened tension in the summer months of 2015. At [20] the Judge clearly refers to the murder of a Fattah colonel in July 2015. At [21] the Judge discusses background materials which were placed before her.

12. Between [22] and [29] the Judge considers each strand of evidence and sets out clear reasons for rejecting the appellant's claim. Even if [16] contains an error, it cannot be a material error because between [17] and

[29] the Judge carefully analyses each adminicle of evidence before reaching conclusions which were well within the range of reasonable conclusions available to the Judge.

13. In Shizad (sufficiency of reasons: set aside) [2013] UKUT 85 (IAC) the Tribunal held that the Upper Tribunal would not normally set aside a decision of the First-tier Tribunal where there has been no misdirection of law, the fact-finding process cannot be criticised and the relevant Country Guidance has been taken into account, unless the conclusions the Judge draws from the primary data were not reasonably open to him or her.

14. In this case, there is no misdirection in law & the fact-finding exercise is beyond criticism. The decision is not tainted by a material error of law. The Judge's decision, when read as a whole, sets out findings that are sustainable and sufficiently detailed.

CONCLUSION

15. No errors of law have been established. The Judge's decision stands.

DECISION

16. The appeal is dismissed. The decision of the First-tier Tribunal promulgated on 11 July 2017 stands.

Signed Paul Doyle
December 2017
Deputy Upper Tribunal Judge Doyle

Date 28