



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

Appeal Number: PA/00505/2016

**THE IMMIGRATION ACTS**

**Heard at Liverpool  
On April 27, 2017**

**Decision & Reasons Promulgated  
On May 4, 2017**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE ALIS**

**Between**

**MR IZZEDINE N M DEGHLES  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Mr Hussain (Legal Representative)

For the Respondent: Mr Harrison (Senior Home Office Presenting Officer)

**DECISION AND REASONS**

1. The appellant is a citizen of the Palestinian Authority. He arrived in this country on September 29, 2015 and claimed asylum at the airport. The respondent refused his application for asylum on January 7, 2016.
2. The appellant appealed that decision on January 19, 2016 under Section 82(1) of the Nationality, Immigration and Asylum Act 2002.
3. His appeal came before Judge of the First-tier Tribunal Herwald (hereinafter called the Judge) on September 16, 2016 and in a decision

promulgated on September 29, 2016 the Judge refused his appeal. He appealed that decision on October 10, 2016 but permission to appeal was refused by Judge of the First-tier Tribunal Wellesley-Cole on January 9, 2017. The appellant renewed his grounds of appeal to the Upper Tribunal and Upper Tribunal Judge Canavan granted permission to appeal finding it arguable the Judge failed to consider material evidence that was produced to support his father's and brother's claims to have been arrested and detained.

4. I do not make an anonymity order in this case.

### **SUBMISSIONS**

5. Mr Hussain indicated that the specific ground upon which Upper Tribunal Judge Canavan had granted permission was not being pursued because he accepted the Judge had considered this evidence in his decision at paragraph 14(b) of his decision. However, he stated he intended to argue that paragraph 5 of his grounds demonstrated an error in law. He argued that the Judge in paragraphs 14(e) and (f) of his decision made speculative findings and there was no evidence to suggest his conclusions were correct.
6. Mr Harrison relied on the Rule 24 letter dated March 29, 2017 and submitted that with regard to the only ground pursued the Judge made findings open to him. Mr Hussain had suggested the appellant would have been allowed to leave as that would remove a trouble maker from the area but he submitted nothing to support this claim had been adduced. The Judge concluded that he was of no interest otherwise he would have been detained. This finding was open to him.

### **FINDINGS**

7. The appellant claimed asylum based on his activities within the Palestinian Authority controlled areas. He feared both the Palestinians and the Israelis.
8. The Judge dismissed his claim and although the main ground of appeal, upon which permission to appeal had been granted, was not pursued I was asked to consider the amended grounds of appeal that were submitted to the Upper Tribunal.
9. The Judge found the appellant's evidence to either lack credibility or be muddled and gave reasons for this in his decision. One of those reasons was his ability to leave the area undetected on his own documents. The Judge noted that his father and brother had been detained but found there was nothing to link him to their detentions-a fact accepted by Mr Hussain when he abandoned that aspect of the appeal.
10. Today Mr Hussain argued that the Judge's finding "there was nothing in the objective evidence to support his claim the Authorities arrested the wrong person or they came to arrest him after he had left" to lack credibility. The Judge made this finding because the appellant left the

West Bank on his own passport and it was open to the authorities to check his papers when he passed through the checkpoint.

11. Mr Hussain's submission is made without reference to any supporting evidence and the Judge was entitled to find that if the appellant was wanted and had left on his own passport then it was reasonably likely he would have been detained. Mr Hussain's submission is a mere disagreement with the decision and does not amount to an error in law.

**DECISION**

12. There is no error in law. The original decision is upheld.

Signed

Date April 27, 2017

Deputy Upper Tribunal Judge Alis

**FEE AWARD  
TO THE RESPONDENT**

As the appeal was dismissed no fee award is made.

Signed

Date April 27, 2017

Deputy Upper Tribunal Judge Alis