



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: PA/01882/2018

THE IMMIGRATION ACTS

Heard at Field House
On 5 July 2018

Decision & Reasons Promulgated
On 11 July 2018

Before

DEPUTY UPPER TRIBUNAL JUDGE NORTON-TAYLOR

Between

A C L
(ANONYMITY DIRECTION MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr J Siri, Counsel, instructed by Aldgate Immigration
For the Respondent: Mr C Avery, Senior Home Office Presenting Officer

Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until a Tribunal or court directs otherwise, the Appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him or any member of his family. This direction applies both to the Appellant and to the Respondent. Failure to comply with this direction could lead to contempt of court proceedings.

DECISION AND REASONS

1. This is a challenge by the Appellant against the decision of First-tier Tribunal Judge V Jones (the judge), promulgated on 6 April 2018, by which she dismissed the Appellant's appeal against the Respondent's refusal of his protection and human rights claims, dated 25 January 2018. In essence, the Appellant's claim was based on

the fact, accepted at first instance by the Respondent, that his father was a member of the FIS and he (the father) had had problems in 2015.

The judge's decision

2. Having set out the legal framework and a summary of the evidence, the judge goes on to make numerous and significant adverse credibility findings at [25(a)]–[25(h)]. These related to inconsistencies and omissions in the evidence, documents produced by the Appellant, and difficulties with medical evidence.
3. Then, at [26], the judge does not accept that the Algerian authorities had any adverse interest in him. The Appellant's explanation for why he had not been told of any threats made to family members since being in the United Kingdom was rejected. The judge noted that other members of the Appellant's family had been living and working in Algeria without difficulties. Then, at the end of [26(c)], the judge notes that the Appellant had not provided any objective evidence to support the claim that family members of FIS activists, who were not themselves active, were detained or tortured by the Algerian authorities.
4. The Appellant's account is rejected. Article 8 is considered and found not to assist the Appellant. The appeal was duly dismissed on all grounds.

The grounds of appeal and grant of permission

5. There are two grounds of appeal. The first is that the judge failed to apply relevant country guidance cases to the Appellant's case, in particular HS (Terrorist suspect, risk) Algeria CG [2008] UKAIT 00048 (IAC), as confirmed by AF (Terrorist Suspects, HS (Algeria) confirmed) Algeria CG [2009] UKAIT 00023 (IAC). It is said that notwithstanding certain negative credibility findings the judge should have considered relevant country guidance and, if she had done, she "would have found" that the evidence showed that family members were at risk on return.
6. The second ground asserts that the judge failed to fully consider the Appellant's explanation as to why he did not have further information of adverse interest in him by the Algerian authorities since his departure from the country.
7. Permission to appeal was granted by First-tier Tribunal Judge Adio on 1 May 2018. Both grounds were said to be arguable.

The hearing before me

8. Mr Siri took the two grounds in order. With respect to the first, he referred me to paragraph 28 of HS. When I pointed out to him that this passage was only a reference to evidence that was before the Tribunal and did not constitute any country guidance

as such, Mr Siri acknowledged the point and confirmed that this was the only passage of any relevance in HS.

9. In respect of ground 2 Mr Siri submitted that the Appellant's situation should have been considered separately from that of other family members. He then appeared to suggest that the Appellant's explanation for not having been told of any threats from the Algerian authorities should not have been considered. He suggested that the judge "should have applied more scrutiny" to the family's circumstances as a whole.
10. In all the circumstances of this appeal I did not call on Mr Avery for submissions.

Decision on error of law

11. I have no hesitation in concluding that there are no material errors of law in the judge's decision.
12. With respect, ground 1 is entirely misconceived. The case-law cited does not in fact provide any relevant guidance in relation to the specific nature of the Appellant's appeal. In other words, there is nothing pertaining to the risk to family members of FIS activists. The passage referred to me by Mr Siri in HS is really beside the point. It was merely evidence before the Tribunal and I have not been pointed to any conclusions in either HS or AF on the issue of risk to individuals simply by virtue of familial association to activists. Nor have I been referred to any country information which clearly demonstrated a risk to family members.
13. In addition, the judge was right to note that the Appellant himself was never active for FIS and, with reference back to [25(c)] of the judge's decision, it is also the case that his father had not been charged with terrorist offences. Finally, the judge was clearly entitled to take into account the fact that a number of other family members had been living and working in Algeria for many years without difficulties (see [26(c)]).
14. There is also no error in respect of ground 2. I acknowledge that the Appellant's purported explanation for not having been told of any threats included references to the father's view of his (the Appellant's) asylum claim in the UK as well as to his mother's position. It is right also that at [26(a)] the judge only specifically refers to the aspect of that explanation relating to the mother. However, the judge's adverse finding on that particular aspect was in itself sufficient to adequately underpin a conclusion that the Appellant had not been credible in his evidence on the point in question. Whether or not the father had been reluctant to say anything about his circumstances, the judge was clearly of the view that the mother would in any event have provided evidence of threats if any such threats had in fact been made.
15. Further, as referred to previously, [26(c)] clearly shows that other members of the Appellant's family had been living and working in Algeria without difficulties. The judge was clearly entitled to take this into account as well.

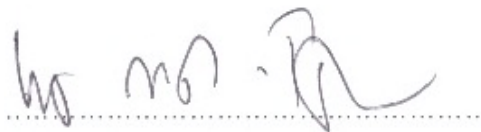
16. For these reasons the challenge to the judge's decision lacks any merit and that decision shall stand.

Notice of Decision

There are no material errors of law in the decision of the First-tier Tribunal.

That decision shall stand.

Signed



Date: 9 July 2018

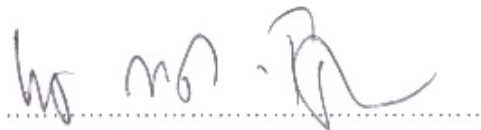
Deputy Upper Tribunal Judge Norton-Taylor

TO THE RESPONDENT

FEE AWARD

I have dismissed the appeal and therefore there can be no fee award.

Signed



Date: 9 July 2018

Deputy Upper Tribunal Judge Norton-Taylor