



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

**Appeal Number: PA/04962/2019**

**THE IMMIGRATION ACTS**

**Heard at Field House**  
**On 17 October 2019**

**Decision & Reasons Promulgated**  
**On 21 October 2019**

**Before**

**UPPER TRIBUNAL JUDGE FINCH**

**Between**

**YOUMNA [A]**

**Appellant**

**and**

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

**Respondent**

**Representation:**

For the Appellant: Mr. S. Bisson, P N Legal Services

For the Respondent: Ms A. Fijiwala, Home Office Presenting Officer

**DECISION AND REASONS**

**BACKGROUND TO THE APPEAL**

1. The Appellant is a national of Lebanon. She entered the United Kingdom on 12 January 2017 as a Tier 4 (General) Student and applied for asylum on 16 February 2017. Her application was refused on 17 August 2017 and she appealed but she became appeal rights exhausted by 22 February 2018.

2. Meanwhile, she had married a Palestinian on 15 July 2017 and their daughter, AMT, was born on 11 August 2018. By that time, she and her husband had separated.
3. She lodged further submissions on 19 March 2019 asserting that she feared persecution on account of her *sur place* political activities in the United Kingdom. She also asserted that she would be returning to Lebanon as a sole female with a child who is stateless. Her application was refused on 6 May 2019 and she appealed against this decision. First-tier Tribunal Judge Greasley dismissed her appeal in a decision promulgated on 5 July 2019.
4. First-tier Tribunal Judge Andrew granted her permission to appeal on 19 August 2019 on three of the five grounds of appeal.

#### **ERROR OF LAW HEARING**

5. Counsel for the Appellant made oral submissions in relation to the nationality of the Appellant's daughter and the manner in which First-tier Tribunal Judge Greasley addressed her Section 55 rights. The Home Office Presenting Officer then replied. I have taken their submissions into account when reaching my decision below.

#### **ERROR OF LAW DECISION**

6. In paragraph 23 of his decision First-tier Tribunal Judge Greasley noted that "the appellant had provided a copy of her daughter's birth certificate which named the father as Mahmoud Taha and that his place of birth was Lebanon" and concluded that there was no evidence to support the claim that the daughter's father was in fact Palestinian".
7. When reaching this finding the Judge failed to take into account the fact that the Appellant's marriage certificate confirms that she married a man called Mahmoud Taha, who was 26 years old on 15 July 2017. There is also a UK Border Agency Application Registration Card, and a copy of a Residence Card, which confirms his date of birth as 9 January 1991. The former document also confirms that he is Palestinian, as does a Bail 201 document, which refers to his nationality as Palestinian Authority.

8. His photograph is attached to the Bail 201 and clearly shows the same man as the one issued with a Special ID Card for Palestinian Refugees issued by the Republic of Lebanon, on 23 February 2010. It also gives his date of birth as 9 January 1991.
9. The fact that the Appellant's daughter's birth certificate gives her father's place of birth as Lebanon is not conclusive of his nationality. Lebanon nationality law is not based on a *jus soli* principle and article 1 of the Lebanese Nationality Law does not extend a right of citizenship to those born in the Lebanon merely on that basis.
10. The expert report by Nadia Bazzaz, dated 10 December 2019, says at paragraph 60 that "a child is deemed Lebanese "if the child is born of a Lebanese father". In paragraph 61 she also explained that:

"Like many neighbouring countries, Lebanese mothers are unable to pass their Lebanese nationality on to their children as Lebanon is a patrilineal society and the law reflects the concept of nationality only being inherited through a father..."
11. Therefore, as the Appellant's daughter's father is Palestinian, she is not entitled to Lebanese citizenship.
12. The letter from the State of Palestine Palestinian Mission to the UK, dated 26 October 2018, also explained that the Mission cannot issue Palestinian passports to Palestinian refugees living abroad. These passports can only be issued in Gaza and the West Bank. Therefore, it would appear that the Appellant's daughter's father is not entitled to a Palestinian passport, which is why he has to travel on a special ID card for Palestinian refugees.
13. First-tier Tribunal Judge Greasley failed to take into account the totality of the evidence which indicated on a balance of probability that, as the father of the Appellant's child is a Palestinian refugee born in Lebanon and with no right to live in Gaza or the West Bank and as she is not entitled to Lebanese citizenship, she is stateless.
14. Furthermore, the best interests assessment conducted by First-tier Tribunal Judge Greasley was undermined by the fact that he had failed to understand that the Appellant's daughter is stateless. He also failed to take into account that paragraph 64 of the expert report stated that, as a consequence, she would have to renew her residency annually and would face difficulties accessing education and medical care.

15. In paragraph 51 of his decision First-tier Tribunal Judge Greasley relied on an assertion by the Respondent in paragraph 151 of her refusal letter that the Appellant's daughter would be eligible for a grant of a temporary residence permit. However, this relied on an election promise made before the last elections in Lebanon and no evidence was provided that any action has now been taken to address the difficulties faced by children whose fathers are not Lebanese.
16. In addition, in the light of the unequivocal expert evidence relating to the acquisition of Lebanese nationality by birth and the evidence that her father was Palestinian, it was not necessary for the Appellant's daughter to apply for Lebanese citizenship to be aware that she was not entitled to it.
17. First-tier Tribunal Judge Andrew did not give permission to appeal in relation to ground 5 of the Appellant's grounds of appeal. However, I have noted that First-tier Tribunal Judge Greasley assumed in paragraph 47 of his decision that it was necessary for an expert to interview an appellant before providing a report which would conform to the necessary professional standards. However, in my opinion, this is not the case. Unlike when preparing a medical report, the expert was not being asked to undertake a physical or psychological assessment of the Appellant or her daughter. She was being asked to provide expert country evidence in relation to the political situation in Lebanon and Lebanese nationality law.
18. The expert explained her qualifications to provide such a report and outlined the instructions she had been given. She also made the necessary "Expert Declaration" at paragraphs 78 to 86 of her report and signed a Statement of Truth at the end of her report.
19. Therefore, First-tier Tribunal Judge Greasley it is also arguable and I take the point that he erred in law when considering what weight he could give to the expert report.
20. For all of these reasons First-tier Tribunal Judge Greasley's decision did contain errors of law.

## **DECISION**

- (1) The Appellant's appeal is allowed.
- (2) First-tier Tribunal Judge Greasley's decision is set aside.

- (3) The appeal is remitted to the First-tier Tribunal to be heard *de novo* before a First-tier Tribunal Judge other than First-tier Tribunal Judge Greasley or First-tier Tribunal Judge Andrew.

## **DIRECTIONS**

- 1. The appeal is to be remitted to Hatton Cross IAC to be heard on the first open date after 20 January 2020. (This is to give the Appellant's representatives time to consider whether an application for leave should be made by the Appellant's daughter as a stateless person and to give both parties the time to consider what status, if any, the Appellant's daughter would have in Lebanon as the daughter of a Palestinian refugee who had himself been born in Lebanon.)**

Nadine Finch

Signed  
Upper Tribunal Judge Finch

Date 17 October 2019