



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2023-004598

First-tier Tribunal No: HU/53500/2023

THE IMMIGRATION ACTS

Decision & Reasons Issued:

10th December 2024

Before

UPPER TRIBUNAL JUDGE LANE

Between

AC
(ANONYMITY ORDER MADE)

Appellant

and

Secretary of State for the Home Department

Respondent

Representation:

For the Appellant: Mr McStravick
For the Respondent: Mr Diwnycz, Senior Presenting Officer

Heard at Royal Courts of Justice (Belfast) on 29 May 2024

DECISION AND REASONS

1. The appellant is a former citizen of Algeria who appealed to the First-tier Tribunal against a decision of the respondent refusing him international protection. There has been a complex litigation history but for the purposes of this appeal I am concerned with a single ground of appeal, namely did the First-tier Tribunal err in law in its assessment of the appellant's mental health and in particular the risk he faces of committing suicide. The judge's rejection of the appellant's claim to be stateless [12] and that he is at risk from terrorists who he claims murdered his parents in Algeria [13-14] have not been challenged. It reaching those findings, the First-tier Tribunal followed the findings of fact of a previous First-tier Tribunal (Judge Hutchinson) and found no reason for departing from her conclusions. The appeal instead turned on new

evidence of the appellant's mental health which the First-tier Tribunal considered at [16-19].

2. The grounds are brief. The appellant complains that the judge failed anxiously to consider the evidence of his mental health. The grounds amount to a series of assertions that the judge should have reached a different conclusion on the evidence. Mr McStravick's oral submissions were similar in form and tone. He submitted that the appellant's mental health would 'skyrocket' if he were removed to Algeria, that he would need to be accompanied on his return to Algeria to ensure that he did not attempt to harm himself and that 'dumping' the appellant in Algeria 'would be cruel and inhumane'.
3. The judge's analysis of the new evidence of the appellant's mental health is, in my opinion, careful, rational and even-handed. The judge was satisfied that the appellant is a 'seriously ill person' but found (giving reasons for his finding) that suitable treatment would be available to the appellant. He did not depart from Judge Hutchinson's previous finding that the appellant could seek support from friends in Algeria. He found (as he was plainly entitled to do on the evidence) that the appellant's attempted self-immolation in August 2020 was, as one of the doctors indicated, the consequence of a 'fairly long term sense of injustice' rather than psychosis. Ultimately, notwithstanding the new medical evidence, the judge concluded that the findings of Judge Hutchinson remained valid; the appellant could safely return to Algeria and could there obtain treatment and seek the support of friends. The judge did not fail in his duty to consider all the evidence anxiously. The assertions in the grounds of appeal amount to nothing more than a disagreement with findings available to the judge on the facts. Accordingly, I dismiss the appeal.

Notice of Decision

The appeal is dismissed.

C. N. Lane

Judge of the Upper Tribunal
Immigration and Asylum Chamber

Dated: 22 November 2024