



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2024-001641

First-tier Tribunal No: PA/55027/2023

THE IMMIGRATION ACTS

**Decision & Reasons Issued:
On the 05 November 2024**

Before

UPPER TRIBUNAL JUDGE HANSON

Between

**ZY (MOROCCO)
(ANONYMITY ORDER MADE)**

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: In person.

For the Respondent: Mr Tan, a Senior Home Office Presenting Officer.

Heard at Manchester Civil Justice Centre on 4 November 2024

Order Regarding Anonymity

Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, the appellant is granted anonymity.

No-one shall publish or reveal any information, including the name or address of the appellant, likely to lead members of the public to identify the appellant. Failure to comply with this order could amount to a contempt of court.

DECISION AND REASONS

1. The Appellant appeals with permission a decision of First-tier Tribunal Judge Lewis ('the Judge'), promulgated following a hearing at Manchester on 1 March 2024, in which the Judge dismissed his appeal on protection grounds.
2. The Appellant is a citizen of Morocco who was recorded by the Judge as having left his home country in October 2021 from where he travelled to the Canary

Islands, Spain, Italy, Switzerland and Belgium, before arriving in the UK on 7 March 2022. He claimed asylum the day after.

3. The Judge had the benefit of considering the documentary and oral evidence given by the Appellant. The Judge records at [6 - 7] an application having been made by the Appellant to adjourn the hearing in order to obtain legal representation which was refused by a Legal Officer. The application was renewed on the day but refused by the Judge for the reasons stated.
4. At [8] the Judge also refers to the Appellant wishing to rely on the evidence of his partner who attended the hearing but who had not provided a witness statement. The Judge notes that the evidence concerned the relationship and how that engaged his Article 8 ECHR rights, with nothing in the evidence being relevant to the Appellant's asylum or protection claim. The Respondent's representative did not consent to the new issue being raised in the appeal and the Judge did not allow evidence on such matters.
5. The Judge's assessment of the evidence, findings and reasons, are set out from [21] of the decision under challenge.
6. At [21] Judge records the core of the Appellant's claim. The Judge took account of the Appellant's route to the UK and his account in his screening interview that he came to the UK to support his mother and sister in Morocco because he wanted a better life, but did not find the Appellant's claims that his interview was not transcribed correctly to be credible.
7. At [27] the Judge notes further inconsistencies in the Appellant's account.
8. The Judge did not find, in any event, the claim engaged the Refugee Convention. The Appellant claimed he had been threatened by his partner's brothers, but it was not found this satisfied the definition of a Particular Social Group. The Judge also found the Appellant is an economic migrant and that the alleged threat was fact specific where the circumstances giving rise to them no longer existed, for the reasons set out at [29] of the determination.
9. The Judge deals with the Appellant's claim in the alternative, that he is unable to return to Morocco because it would not be safe for him to do so at [30] but dismisses this aspect of the claim as evidenced by the appeal being dismissed on all grounds.
10. The Appellant sought permission to appeal which was refused by another judge of the First-tier Tribunal.
11. The application was renewed the Upper Tribunal and granted by Upper Tribunal Judge O'Callaghan on 14 May 2024, the operative part of the grant being in the following terms:
 2. I observe that the appellant is a litigant-in-person. In addition to his grounds of appeal I have carefully considered whether any arguable error of law is identifiable within the First-tier Tribunal decision.
 3. The appellant complains that he struggled to converse with the Iraqi interpreter who attended the hearing. I note Judge of the First-tier Tribunal Grant-Hutchison's reasoning when refusing permission to appeal to this Tribunal, at §5. However, on their face the grounds of appeal identify an arguable material error of law with the appellant asserting, "I raised the issue with the Judge, but was dismissed ..."
 4. There are no merits to the rest of the grounds. The Judge gave cogent, lawful reasons for refusing to adjourn the hearing in circumstances where evidence was presented as to representatives declining to represent the appellant. There is no arguable basis to the assertion that the Judge was bias. It is unarguable that the Judge carefully considered the evidence placed before him, properly self-directed himself and properly did not consider the 'new matter' arising from the appellant's new relationship in circumstances where the respondent did not consent to the

relationship being considered: Hydar (s 120 response; s 85 “new matter”: Birch) [2021] UKUT 176 (IAC), [2021] Imm AR 1478.

5. Returning to the challenge founded upon the use of an Iraqi interpreter, it is unfortunate that the appellant does not identify an approximate time at the hearing when the request was made. The proper step is for the Upper Tribunal to secure a recording of the hearing and for the parties to attend Field House to listen and identify (1) whether a request for a new interpreter was made, and (2) whether the request was refused. If the appellant does not wish to attend this preliminary stage, which requires a journey to London, the respondent will be mindful of his duty to help the Upper Tribunal further the overriding objective to deal with the case justly.
12. Arrangements were put in place to enable the parties to listen to the recording of the hearing following which a Rule 24 response was received from the Secretary of State dated 19 June 2024 in the following terms:

ZY Morocco

This Rule 24 Reply is written in response to directions issued by UTJ O’Callaghan on 14 May 2024

The Secretary of State will confirm that the tape recording on the hearing on 1 March 2024 was listened to on Tuesday 18 June 2024 at Field house [3pm-4.30 pm].

Present were Senior Presenting Officer Tony Melvin, Court appointed Moroccan / Arabic interpreter Mr Hocine Belkhiri and Clerk Mr Paul Bonny. Mr YZ did not appear and was not represented.

The Secretary of State, on listening to the tape recording, will submit that;

- i) At no stage was there any difficulty with the interpretation of Mr YZ’s evidence at the hearing,
- ii) Mr YZ made no complaint to Judge Lewis that he did not understand the interpreter or request a different Moroccan/ Arabic interpreter,
- iii) Mr YZ fully understood and replied coherently to all questions put to him at that hearing,
- iv) Mr Hocine Belkhiri confirmed to the Presenting Officer, before Mr Bonny, that he had carefully listened to the recording and Mr YZ, in Arabic, did not make any complaint to the interpreter that was not translated before the judge.

The Secretary of State has provided the Upper Tribunal with a record of proceedings, from Presenting Officer Mr Hardy, and can confirm that this is a reasonably accurate record of the hearing that took place in Manchester on 1 March 2024.

The Secretary of State will submit that the sole ground of appeal in dispute, being the claim that Mr YZ requested a different interpreter at the hearing and that request was refused by the judge, is simply without merit as no request was made and no request was refused.

The Upper Tribunal will be respectfully invited to refuse the appeal and uphold the decision of Judge P G Lewis as one that is legally sustainable.

2. The respondent opposes the appellant’s appeal. In summary, the respondent will submit *inter alia* that the judge of the First-tier Tribunal directed himself appropriately.
13. The appeal was earmarked a hearing before me for an error of law hearing on 30 August 2024.
 14. On the day an email was received from the Appellant’s partner confirming he had a hearing at 10 AM at the Manchester Civil Justice Centre, claiming he was unwell and unable to travel, and that she believed it was COVID. The hearing was therefore adjourned with directions for an Arabic (North African) interpreter to

attend and relisted before me on 4 November 2024. The appropriate notices have been sent to each party.

Discussion and analysis

15. During the hearing the Appellant attempted to raise a number of issues relating to those matters on which permission to appeal had been refused. He also referred to the fact he and his partner are now married, but there was no human rights application before the Judge and permission to deal this as a new matter was refused by the Secretary of State's representative, as recorded in the determination.
16. Although the Appellant made comments about the interpreter, the reality of the matter is that he has only been granted permission to appeal on a very limited basis, that a copy of the recording of the hearing was made available as noted in the Rule 24 reply which the Appellant did not attend, and that the recording shows there is no merit whatsoever in the claim the Appellant asked for an alternative interpreter but was refused, or that he did not understand the questions were being asked of him or which were not properly interpreted by the Arabic interpreter provided.
17. The Appellant made a comment that he had not expressed everything he wanted or what he wanted to stay had not come out as he wished it to do, but that is not a matter of interpretation. I am satisfied that what he said during the course of the hearing before the Judge was accurately interpreted. I am also satisfied on the evidence that there is no credible indication that different interpreter was requested or needed, and that no issue of fairness arises based on the interpretation.
18. I find no legal error material to the decision of the Judge made out. As I indicated to the Appellant at the hearing, if he wishes to remain on the basis of his married life with his partner it is important he makes an application for leave on that basis, either under the Immigration Rules or Article 8 ECHR, without delay.

Notice of Decision

21. No legal error material to the decision of the Judge is made out. The determination shall stand.

C J Hanson

Judge of the Upper Tribunal
Immigration and Asylum Chamber

4 November 2024