



**Upper Tribunal  
(Immigration and Asylum Chamber)  
PA/08004/2016**

**Appeal Number:**

**THE IMMIGRATION ACTS**

**Heard at Field House**

**Decision & Reasons**

**On 9 November 2017**

**Promulgated**

**On 28 November 2017**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE HUTCHINSON**

**Between**

**MR KHALED NABHAN EL-CHAMMA  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Mr J Collins of Counsel, instructed by Sentinel Solicitors  
For the Respondent: Mr I Jarvis, Senior Home Office Presenting Officer

**DECISION AND REASONS**

1. The appellant in this case is a citizen of the Palestinian Authority, resident in Lebanon. He was born on 1 January 1994. The appellant appealed to the First-tier Tribunal against a decision of the respondent dated 19 July 2016 to refuse to grant the appellant asylum and humanitarian protection in the United Kingdom. In a Decision and Reasons promulgated on 27 February 2017, First-tier Tribunal Judge Chana dismissed the appellant's appeal on all grounds.
2. The appellant appeals, with permission from the Upper Tribunal, on the following grounds:

Ground 1: that the judge's findings are based on speculation and conjecture rather than proper analysis of the evidence;

Ground 2: that the judge's findings at [32] that it was not credible that the appellant would have a box outside the university, attempting to collect money for Syrian refugees, ignores the evidence that the university was of some 800 students and if the judge's analysis were correct then if there was a risk of danger no student protest or opposition political activity would ever take place anywhere;

Ground 3: that the judge's findings, at [35] were confused and confusing as it was not the appellant's evidence that the police told his friend's father that his Hezbollah had arrested the appellant's two friends but rather one of the boys' fathers made enquiries and was told by the police they had not detained them. That being the case, the friend's father assumed it must be Hezbollah, which is said to tie in with the background material as to the arbitrary way that this group acts in Lebanon;

Ground 4: that the judge erred in finding against the appellant due to his failure to mention in the screening interview the essential basis of his claim;

Ground 5: that the judge's approach was inadequate as the judge found the appellant's account to be a complete fabrication which was to ignore that the Secretary of State had accepted large parts of his claim, in particular that the appellant was a Palestinian refugee habitually resident in Lebanon; that the appellant cannot return to Palestine; and that the appellant attended university in Lebanon.

### **Error of Law**

3. For the reasons set out below I am not satisfied that an error of law has been disclosed in the judge's findings.

### **Grounds 1 and Ground 2**

4. Mr Collins submitted on a number of occasions that the judge had misunderstood the appellant's account that it is not that he was standing with a placard in front of the university but rather that there was a box to collect money for Syrian refugees and that it was pure speculation on the judge's part that it was not credible that the appellant would be attempting to collect money from students for the Syrian refugees. It was also submitted that this must be considered in the context of the appellant, who was a Palestinian refugee and that it was entirely credible that a Palestinian refugee student would have helped other refugees.
5. However, the judge recorded, at [24], that the appellant was asked how he collected money for Syrian refugees outside the university and the judge clearly recorded the appellant's answer that there "was a box outside and stopped university students asking for help for 'our Syrian refugees' brothers'". The judge also noted that there was no political propaganda or anything else attached to this work. The judge therefore considered the evidence in its proper context.

6. However, it was open to the judge to make the findings that she did, considering the evidence in the round in what was a careful and well-reasoned decision; in particular bearing in mind that it was the appellant's evidence that he was aware that the university was very much pro-Hezbollah and was aware that Hezbollah material was posted on the walls and of the need to be secret about his lack of support for them and that he was aware that Hezbollah were dangerous and anyone caught or perceived to be against them "would have their heads broken". In this context the judge was entitled to reach the finding she did that it was not credible that the appellant would have a box outside the university gate, attempting to collect money from students for Syrian refugees.
7. Equally, there was nothing perverse about that reasoning. The judge had recorded earlier in the decision the appellant's evidence including that the appellant and two other friends had delivered some "relief stuff" to Syrian refugees and that the appellant was subsequently warned not to help Syrian refugees but nevertheless continued with his work. The judge also recorded the appellant's evidence that he was not open about his dislike of the Hezbollah (at [23]). In light of the evidence it was open to the judge to make the findings she did that this appellant would not have openly done what he claims to have done.
8. Equally, at [33] the judge noted that the appellant claimed that on the first occasion a dead soldier had been brought to the university with fanfare and that the appellant had been sitting at a table with two friends when he questioned why students should cheer this individual as a hero when the dead soldier had been killing Syrians. The appellant indicated that he was given looks by the student who overheard him but he was not threatened. The judge found that this evidence demonstrates that the appellant was not reported by the student and that he continued to help Syrian refugees by collecting money for them outside the university. Given that the appellant was aware that Hezbollah were dangerous and that one of the students was giving him threatening looks, it was open to the judge to find in the context of all the evidence that it was not credible that the appellant would have gone on to collect money outside the university. I am satisfied that the judge's reasons were cogent and more than adequate, as to why she rejected the appellant's claim that he had a box outside of the university, collecting money for Hezbollah.

### Ground 3

9. Although the ground of appeal asserted that the judge's findings at [35] were confused and confusing, I am of the view that the grounds (at paragraph 8) misrepresent the judge's findings. It is stated in those grounds that it was not the appellant's evidence that the police told his friend's father that Hezbollah had arrested the appellant's two friends. Rather, one of the boys' fathers made enquiries and was told by the police they had not detained them. That being the case the friend's father assumed it must be Hezbollah. That in fact "ties in with the background material before the Tribunal as to the arbitrary manner in which Hezbollah act in Lebanon". It is difficult to see what the quarrel is with the judge's

findings as the judge accurately recorded the evidence before her as follows:

“When questioned further, the appellant said he was aware that it was Hezbollah who took these friends because he checked with one of their fathers who had checked with the police who had arrested his two friends but the father was unable to find them there. He said that the police informed the father that they had not arrested his two friends.”

10. The judge went on to find that this evidence was not consistent with background evidence that the Lebanese police do not give information as to who they have arrested as they arbitrarily arrest people. Contrary to the grounds, these findings are not confused or confusing and the judge gives clear and adequate reasons as to why she found that the appellant’s claim was at best speculation that if the police did not take his two friends then Hezbollah must have taken them. The judge noted that background evidence stated that there were many organised criminal entities, terrorist groups and gangs in Lebanon (and I note that there are references to gangs including at page 25 of the appellant’s bundle and, including at pages 45 and 47 of the appellant’s bundle, references both to Hezbollah as one (not the only) of the autonomous militant groups and to other militant groups). It was open to the judge in this context of all this evidence to find that it was speculative to state that it must have been Hezbollah that had taken the appellant’s friends.
11. Although Mr Collins referred to the lack of reference as to precisely which background information was relied on he did not specifically dispute that such evidence was before the judge, nor was this specifically disputed in the grounds of appeal before me. I am not satisfied that any material error of law was disclosed in ground 3.

#### Ground 4

12. This related to paragraph 9 of the appellant’s grounds of appeal to the Upper Tribunal and in particular the judge’s findings at [36] to [38] that the appellant had failed to mention at the first available opportunity the essential basis of his claim. The judge recorded the appellant’s answer at question 4.1 of his screening interview in detail at [36] of the Decision and Reasons. This discloses that the appellant went into some considerable detail where he was asked to briefly describe the reasons why he could not return to his country. This included that he has to live in a camp, that he has no right to a doctor, no right to buy property, that he is Sunni and lives in a Shia area, that the Shia do not like his name, that he has no rights, that he had three operations and had to pay for them, that there are explosions and the authorities blame everything on the Palestinians, that if he marries and has children there is nothing for them and finally that he was helping Syrian refugees and it was interpreted that he was against the regime. He also indicated that there was no-one to stand up for him and that he was helping Syrian refugees find homes in the camp.

13. It was open to the judge to note and find that there was no mention at the screening interview that he feared the Hezbollah and no mention that he was threatened by Hezbollah, who pointed guns to his head.
14. Mr Collins relied on **YL (Rely on SEF) China [2004] UKIAT 00145** as authority that it must be remembered that a screening interview is not done to establish a claim in detail and that a screening interview may well be conducted when the asylum seeker is tired after a long journey and these things have to be considered when any inconsistencies between the screening interview and the later case are evaluated. Although not cited by Mr Collins, this was confirmed by the Court of Appeal *YL v SSHD* [2014] EWCA Civ 450. It was also noted that 'asylum seekers are still expected to tell the truth and answers given in screening interviews can be compared fairly with answers given later'.
15. Although Mr Collins pointed to the fact that the screening interview notes that the appellant had just arrived in the country, the judge took into account all the evidence and would therefore have been aware of this fact. The judge also considered the appellant's explanation that he was only asked to give an outline of his asylum claim. However, as noted by the judge, the appellant went into some considerable detail in the screening interview and it was in this context that it was open to the judge to make an adverse finding as to the appellant's failure to mention Hezbollah and the specific threats that he claimed occurred including being held at gunpoint or that his friends were captured by Hezbollah.
16. The fact that it must be taken into consideration that the screening interview is only a very brief outline of the case and that the circumstances must be taken into consideration did not preclude the judge from finding that the appellant did not provide what he now claims was the full truth and a core aspect of his claim. It must also be noted that the judge did not consider this matter in isolation and specifically noted that it was considered in the round, at [38] of the Decision and Reasons.

#### Ground 5

17. In relation to the fact that the judge found the appellant's claim to be "a complete fabrication" whereas the respondent had accepted that the appellant was a Palestinian refugee habitually resident in Lebanon, that he could not return to Palestine and that he had attended university in Lebanon, the judge did not specifically dispute these matters and it is evident from a fair reading of her Decision and Reasons that her finding of a complete fabrication was in relation to the appellant's account of his claimed difficulties. Even if that were not the case I accept that these matters do not go to the core of the appellant's claim, which the First-tier Tribunal Judge gave cogent, coherent and ultimately sustainable reasons for not accepting as credible.

#### **Notice of Decision**

18. The decision of the First-tier Tribunal does not disclose an error of law and shall stand. The appellant's appeal is dismissed.

No anonymity direction was sought or is made.

Signed \_\_\_\_\_ Date \_\_\_\_\_

Deputy Upper Tribunal Judge Hutchinson

**TO THE RESPONDENT**  
**FEE AWARD**

No fee was paid or payable so no fee award is made.

Signed \_\_\_\_\_ Date \_\_\_\_\_

Deputy Upper Tribunal Judge Hutchinson