



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: PA/09136/2016

**THE IMMIGRATION ACTS**

Heard at Glasgow  
On 7 December 2017

Decision & Reasons Promulgated  
On 8 December 2017

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

V Q B

and

Appellant

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: no appearance

For the Respondent: Mrs M O'Brien, Senior Home Office Presenting Officer

**DETERMINATION AND REASONS**

1. The appellant appeals against a decision by FtT Judge Farrelly, promulgated on 29 March 2017.
2. The appellant was represented in the FtT, but those representatives are no longer in practice.

3. The case was first listed for hearing in the UT on 5 October 2017. An adjournment was granted on the day, to give the appellant an opportunity to obtain representation.
4. At a hearing on 7 November 2017, the appellant was granted a further adjournment.
5. On 17 November 2017, the UT issued notice of hearing on 7 December 2017.
6. A handwritten letter faxed to the UT on 5 December 2017 asks for another adjournment for the same purpose.
7. The letter appears to be in the same handwriting as a similar letter which was before the UT on 7 November, and which the appellant (who speaks little English) said had been written for him by a friend.
8. The appellant did not attend on 7 December 2015.
9. Having regard to the overriding objective in terms of the rules and to the history of the case, I considered that the appellant had been given more than reasonable opportunity to prepare and to arrange representation; that another adjournment was unlikely to be any more productive; and that it was in the interests of justice to proceed in absence of the appellant or any representative.
10. The first ground of appeal is that the finding that the appellant would face prosecution not persecution contradicts the background evidence.
11. The respondent pointed out that the background evidence founded upon relates to political activists, human rights activists and journalists, and that the appellant falls into none of these categories. At highest, he claimed to be the manager of a factory and involved in a strike; but it had not been accepted that he was a manager, or the orchestrator of the strike.
12. Ground 1 is not substantiated.
13. Ground 2 refers to documentary evidence, and maintains that the judge failed to take into consideration evidence going to the quality of the documents, and failed to come to his own conclusion regarding their reliability.
14. The respondent submitted on this ground that the judge correctly directed himself on the approach to documentary evidence at paragraph 19; at paragraph 25, noted there was nothing to show that individual strikers were at risk; and found at paragraphs 26 and 27 that the appellant had inflated his profile.
15. This ground shows no misunderstanding of the evidence, error of approach or failure to reach a conclusion.
16. Ground 3 says that the finding that there was no evidence individual strikers were at risk contradicted background evidence that strikes were permitted only under certain circumstances, and independent activists could face government harassment.

17. This overlaps with the previous grounds. Again, no real contradiction is identified. The judge did not find that the appellant was an independent activist, as opposed to one of six hundred workers engaged in a strike.
18. Ground 4 maintains that the judge gave no reasons for finding it not credible that the appellant would organise a strike after being promoted to management, or for his conclusion that the appellant gilded his account.
19. This ground looks for “reasons for reasons”. There is a tension between being promoted to senior management and organising a strike against the employer. There was no sensible explanation of the claimed promotion.
20. The decision must be read fairly and as a whole, and bearing in mind that the judge had the benefit of hearing the evidence and its testing in cross-examination. At paragraph 21, he noted factors adverse to credibility, in which no error is alleged. At paragraphs 25 and 26, he explained why he considered the account to have been embellished.
21. Separately and together, the grounds insist and disagree, but they fail to show that the decision is a less than legally adequate explanation of why the appellant failed to establish his case, or that its making involved the making of an error on any other point of law.
22. The decision of the First-tier Tribunal shall stand.
23. The FtT made an anonymity direction, although no reason is stated. Anonymity has been preserved in this decision.

A handwritten signature in black ink, reading "Hugh Macleman". The signature is written in a cursive style with a large, stylized initial 'H'.

7 December 2017  
Upper Tribunal Judge Macleman