



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: PA/04807/2017

THE IMMIGRATION ACTS

Heard at City Centre Tower, Birmingham
On 4 June 2018

Decision & Reasons Promulgated
On 22 June 2018

Before

DEPUTY UPPER TRIBUNAL JUDGE RENTON

Between

SMFM

(ANONYMITY DIRECTION MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr M Azmi, Counsel instructed by Central England Law Centre
For the Respondent: Ms H Aboni, Home Office Presenting Officer

DECISION AND REASONS

Introduction

1. The Appellant is a male citizen of Egypt born on 15th February 1999. He entered the UK clandestinely on 28th September 2016 and applied for asylum on 9th November 2016. That application was refused for the reasons given in an Asylum Decision dated 9th May 2017. The Appellant appealed and his appeal was heard by First-tier Tribunal Judge Juss (the Judge) sitting at Birmingham on 21st September 2017. He decided to dismiss the appeal for the reasons given in his Decision dated 21st September 2017.

The Appellant sought leave to appeal that decision and on 20th November 2017 such permission was granted.

Error of Law

2. I must first decide if the decision of the Judge contained an error on a point of law so that it should be set aside.
3. The Judge dismissed the appeal because he found the evidence of the Appellant incoherent and implausible and therefore the Judge did not believe the Appellant's account of his reasons for fearing persecution on return. The Judge stated at paragraph 13 of the Decision that he had carefully considered all the documentary evidence. In the alternative, the Judge found that it would not be unreasonable by way of being unduly harsh for the Appellant to relocate in Egypt. This was on the basis that the Appellant had lived safely in Alexandria for a time before coming to the UK.
4. At the hearing before me, Mr Azmi referred to the grounds of application and argued that the Judge had erred in law in coming to this conclusion. He had made a number of errors of fact which collectively amounted to an error of law. Further, the Judge had given only inadequate reasoning for his decision as regards internal relocation. The Appellant claimed to fear the authorities in Egypt.
5. In response, Ms Aboni referred to the Rule 24 response and said that the Judge did make some confused findings as to fact, but that they were not material. The Judge dealt with the documentary evidence at paragraph 11 of the Decision. In any event, any error of law concerning the substance of the appeal was immaterial as the Judge found that it was reasonable and safe for the Appellant to relocate in some other part of Egypt.
6. I find no material error of law in the decision of the Judge which I therefore do not set aside. It is unfortunate that the Judge made certain errors of fact when considering whether the Appellant was at risk on return to Egypt. However, these do not amount to an error of law as they are immaterial. At paragraph 17 of the Decision, the Judge found that it was reasonable by way of not being unduly harsh for the Appellant to relocate in some other part of Egypt. The Judge did not deal with this issue in detail, but made this decision on the basis of the fact that the Appellant lived safely in Alexandria for some time before coming to the UK. Even though the Appellant claimed to fear the authorities in Egypt, this fact alone is in my view sufficient to sustain the Judge's finding.
7. For this reason I find no material error of law in the decision of the Judge.

Decision

The making of the decision of the First-tier Tribunal did not involve the making of a material error on a point of law.

I do not set aside that decision.

The appeal to the Upper Tribunal is dismissed.

Anonymity

The First-tier Tribunal made an order for anonymity which I continue for the same reasons as those given by the First-tier Tribunal.

Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until a Tribunal or court directs otherwise, the Appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him or any member of their family. This direction applies both to the Appellant and to the Respondent. Failure to comply with this direction could lead to contempt of court proceedings.

Signed

Date 20 June 2018

Deputy Upper Tribunal Judge Renton