



**Upper Tribunal
(Immigration and Asylum Chamber)**

Appeal Number:
PA/06964/2019

THE IMMIGRATION ACTS

**Heard at: Bradford
On: 28th January 2020**

**Decision & Reasons
Promulgated
On: 30th January 2020**

Before

UPPER TRIBUNAL JUDGE BRUCE

Between

**MCL
(anonymity direction made)**

Appellant

And

Secretary of State for the Home Department

Respondent

**For the Appellant:
Justice Solicitors**

Mr Greer, Counsel instructed by Legal

**For the Respondent:
Officer**

Mr Diwnycz, Senior Home Office Presenting

DECISION AND REASONS

1. The Appellant is a national of Algeria born in 1980. He appeals with permission against the decision of the First-tier Tribunal (Judge

Dearden) to dismiss his appeal on protection and human rights grounds.

2. The crux of the Appellant's claim for international protection is that he is at risk of serious harm from a group of organised criminals in Algeria. In March 2018 the Appellant was working as the Head of Security at a shipping container port in Algiers. He discovered that a number of other employees at the port, including porters and customs officers, had been involved in a large-scale theft from some containers. He reported his findings to the police and later appeared at an initial court hearing to speak to the CCTV images. Subsequent to this the Appellant began to fear for his safety. The tyres of his car were slashed and his car damaged. He started to receive telephone calls in the night where the caller said nothing. He sought advice from his brothers-in-law who are all serving police officers. They told him that there was nothing that they could do to protect him and advised him to leave the country. This he did, claiming asylum on 26th April 2019, some two weeks after he had arrived in the country on a visit visa.
3. The First-tier Tribunal accepted that the Appellant had been the Head of Security at a container port as he claimed. It was not however satisfied that he faced a real risk of harm. It did not consider, on the account given, that the Appellant had been a crucial witness against the thieves. All he had done was interpret the CCTV images; anyone at a senior level in the company could have done that. The trial could therefore proceed in the absence of the Appellant's evidence, which begged the question why anyone was bothering trying to prevent him from giving it. Furthermore the Tribunal found the Appellant to be exaggerating the scale of the theft and the importance of the perpetrators. There was no evidence to support his claim that customs officers - as opposed to poorly paid porters - were involved. The Tribunal thought it speculative to link the criminal damage caused to the Appellant's car with the case. Similarly the silent calls had more than one explanation: if it was criminals intent on silencing him one would have expected them to make that demand. The Tribunal noted that the Appellant had remained in his employment for over a year after these claimed events, and did not terminate it until he had obtained visit visas for himself and his family. Finally the Tribunal concluded that it would be reasonable to expect the Appellant to relocate within Algeria. Upon this basis the appeal was dismissed.
4. Upper Tribunal Judge Grubb granted the Appellant permission to the appeal to this Tribunal on the 6th December 2019, having very fairly given the Appellant's self-penned grounds their widest possible reading (he was at that time without representation). Judge Grubb thought it arguable that the First-tier Tribunal had erred in its finding

that the only criminals involved were the porters. He so found because the Appellant had produced stills from the CCTV which showed other individuals, said to be customs officials. Had this evidence been taken into account, the risk assessment may have been different.

5. Before me Mr Greer made cogent submissions on the Appellant's behalf to expand upon the Appellant's own grounds, but for the reasons I set out below, I am not satisfied that there is any proper basis upon which to interfere with the decision of the First-tier Tribunal.

Reasons

6. I am prepared to accept that the First-tier Tribunal does not appear to have taken all of the evidence into account in respect of who the perpetrators were, and that its reasons for rejecting the involvement of customs officials appear to be fairly thin. Whilst it was perfectly proper for Judge Grubb to have granted this unrepresented appellant permission to argue the point I am not however persuaded that Judge Dearden's failure to expressly address the photographic evidence is an error of law such that his decision should be set aside.
7. The Appellant's complaint is that the First-tier Tribunal should have taken the risk posed to him by the criminals at the port more seriously. He submits that had it appreciated that senior officers were involved, its decision may have been different. Whilst I accept that the involvement of senior officers was certainly a factor, it was not the only matter taken into consideration by the First-tier Tribunal. More significant, in my view, is the fact that no threats were actually received by the Appellant. The criminal damage to the Appellant's car and the silent telephone calls were no doubt unsettling, but as Judge Dearden points out, no direct threats were actually made, and it is difficult to see why such threats would have been issued given that the prosecution could easily have proceeded without the Appellant's evidence. Furthermore the Appellant was able to continue in his work at the port for over a year after the claimed events. It was the combination of all of these factors which led the Tribunal to conclude that the Appellant did not face a real risk of harm.
8. The First-tier Tribunal also concluded that the Appellant could receive protection from the Algerian state, and that it would not be unreasonable to expect him to relocate to another city if he felt concerned for his security in Algiers. The grounds do not mention either of these matters and for my part I am unable to see any arguable error in the Tribunal's approach to those key issues. Even if

the Appellant's grounds had been made out, the appeal would still fall to be dismissed for those reasons.

9. Accordingly I am satisfied that there was no material error in the First-tier Tribunal's approach and I dismiss the appeal.

Anonymity Order

10. Having had regard to Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 and the Presidential Guidance Note No 1 of 2013: Anonymity Orders I consider it appropriate to make an order in the following terms:

“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 his family. This direction applies to, amongst others, both the Appellant and the Respondent. Failure to comply with this direction could lead to contempt of court proceedings”

Decision

11. The decision of the First-tier Tribunal is upheld and the appeal dismissed.
12. There is an order for anonymity.

Upper Tribunal Judge Bruce
28th January

2020