



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

Appeal Number: UI-2021-001686  
PA/51768/2020; LP/00202/2021

**THE IMMIGRATION ACTS**

**Heard at Birmingham CJC  
On 18 October 2022**

**Decision & Reasons Promulgated  
On 27 November 2022**

**Before**

**UPPER TRIBUNAL JUDGE HANSON**

**Between**

**JARALLAH ALI MOHAMMAD JABER ALANIZY**  
(Anonymity direction not made)

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Ms H Naz (Solicitor, Kings Wright Solicitors)

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

**DECISION AND REASONS**

- 1.** The appellant appeals with permission a decision of First-tier Tribunal Judge Parkes ('the Judge'), promulgated following a hearing at Birmingham on 21 May 2021, in which the Judge dismissed the appellant's appeal against the refusal of his application for asylum or leave to remain in the United Kingdom on any other basis.
- 2.** The Judge noted it was not disputed that the appellant, who was born on 16 December 1960, is a Bidoon from Kuwait. The core issue in the

case was whether the appellant's claim to be an undocumented Bidoon was credible.

3. Having considered the documentary and oral evidence the Judge sets out his findings of fact from [16] of the decision under challenge. Within that part of the determination the Judge analyses the evidence by reference to the known circumstances for undocumented Bidoon. At [19] the Judge finds that there are "*quite a number of inconsistencies in the appellant's accounts and between his accounts and the background which do not assist him*". The Judge gives as an illustration of the appellant claiming he had not received an education in Kuwait as a result of his status whereas because of his date of birth he would have received an education within Kuwait prior to the imposition of restrictions upon undocumented Bidoon which denied them access to education and marginalised them within society, and the reference by the appellant to his having attended a private school at [19].
4. The Judge specifically refers to the evidence of two witnesses at [27] before setting out conclusions between [29 - 31] in the following terms:
  29. Taking into account the matters discussed above, the inconsistencies in the Appellant's accounts and evasion in interview and his demonstrated ability to travel extensively I find that the Appellant has not shown, even to the lower standard that he is an undocumented Bidoon.
  30. The evidence of his financial circumstances and access to documentation, including on his own account a Kuwaiti passport, shows that the Appellant is not only documented but not from a marginalised section of Kuwaiti society. Whilst there may be discrimination against the Bidoon the Appellant has not shown that he falls into that section of society. The Appellant is not in need of international protection on any basis.
  31. The Appellant has only been in the UK for a short period of time and without any expectation of being permitted to remain. In his travels he has shown an adaptability and resourcefulness which can be utilised on return. The Appellant speaks the language of Kuwait, he has family there, and the evidence suggests he is better off economically than he has claimed. The evidence does not show that there are any real obstacles, unduly harsh or very significant, that he would face on return or that there are any compelling circumstances that would justify a grant of leave outside the Immigration Rules.
5. The appellant sought permission to appeal on two grounds, Ground 1 asserting the Judge materially erred in his approach to the evidence and, Ground 2, asserting the Judge materially erred in his approach to the question of risk of return and persecution.
6. Permission to appeal was granted by another judge of the First-tier Tribunal on 22 November 2021, the operative part of the grant being in the following terms:

2. The grounds asserts that the First-tier Tribunal Judge has failed to take any account of the expert report from the Kuwaiti Bedoon Movement. The grounds further assert that the First-tier Tribunal Judge failed to place adequate weight on the witness evidence, in particular the fact that the witnesses had already been recognised as undocumented Bidoons and had refugee status on that basis. The grounds further assert that the First-tier Tribunal Judge has failed to undertake an adequate analysis of all of the evidence which was before him. The grounds also state that the First-tier Tribunal Judge erred in his assessment of risk on return.
3. The First-tier Tribunal Judge considered the witnesses who gave evidence on behalf of the appellant and considered the appellant's account noting a number of inconsistencies. However, the First-tier Tribunal Judge makes no reference to the report from the Kuwaiti Bedoon Movement in his decision. It is arguable that in failing to make reference to the report, the First-tier Tribunal has failed to have regard to all relevant evidence when assessing the appellant's credibility.

### **Error of law**

7. It is important for anybody considering the merits, or lack of, of this challenge to start their reading with the Secretary of State's reasons for refusal letter dated the 22 September 2020 which highlighted a number of issues of concern to the respondent leading to the appellant's claim for international protection being refused. Information within the appellant's bundle supported such concerns, when examined objectively, including the CPIN , Kuwait: Bidoons. Version 3.0 April 2021. Of particular importance in the refusal letter is an examination of the reality of what the appellant was claiming compared to the known country information setting out the extent of the discrimination and hardship suffered by undocumented Bidoon in Kuwait.
8. The appellant provided for the purposes of the hearing before the Judge a number of documents which were clearly considered by the Judge with the required degree of anxious scrutiny as a reading of the determination shows.
9. In relation to Ground 1, a specific challenge alleging the Judge failed to consider a report written by the Kuwaiti Bidoons Movement, that document was in the appellant's bundle of documents which were clearly considered by the Judge. It is settled law that there is no requirement for a judge to set out or even make reference to all of the evidence provided it is considered with the required degree of anxious scrutiny. I find it has not been made out the Judge failed to do so in this case.
10. That report, dated 18 March 2021, was written by a Mr Jarallah Alanizy who describes himself as the founder and director of the Kuwaiti Bidoons Movement. The report refers to the author conducting an interview with the appellant online as a result of Covid-19 restrictions and sets out in section 4 of the report details of the examination that was conducted. There follows in section 5 a summary of the general

position for undocumented Bidoon before the conclusion which is set out in section 6 in the following terms:

6. Conclusion.

- 6.1 I believe that based on the information Mr Jarallah Alanizy provided to me during our interview that he is an undocumented Bidoon person and a credible person; he gave confident and clear answers. He was able to recall events accurately and his factual matrix is consistent to a Bidoon person.
  - 6.2 I verified Mr Jarallah Alanizy ID by viewing his BRP. I confirm this is the individual that underwent the assessment with me. I am convinced that Mr Jarallah Alanizy is an undocumented Bidoon from Kuwait and I have therefore issued him with a Kuwaiti Bidoons Movement ID card with this letter and sending it to him by email and post.
  - 6.3 My conclusion is based on my personal experience as Bidoon, my ongoing activism for the Bidoon community and historical knowledge on the subject.
- 11.** It was not disputed the appellant is a Bidoon and the report fails to adequately deal with the breadth of evidence that was before the Judge. It was one piece of the evidence and the question of whether the appellant is credible was a matter for the Judge not the author of the report who, having assessed the evidence in the round, was entitled to conclude as he did that the appellant was not credible in respect of his claim to be undocumented.
  - 12.** As noted in the grant of permission, the Judge clearly considered the evidence of the two witnesses. Although they have been granted refugee status, as a Secretary of State accepted they were undocumented Bidoon, their claims have not been tested before a Court or Tribunal. It appears the Secretary of State accepted their claims at face value. Again, that was another piece of evidence available to the Judge to consider together with all the other evidence, which he did.
  - 13.** The Judge in addition to considering the evidence properly made clear findings of fact supported by adequate reasons. No procedural error sufficient to amount to a material error of law is made out in the grounds.
  - 14.** The weight to be given to the evidence was a matter for the Judge. The fact the appeal was dismissed does not mean the Judge failed to consider aspects of the appellant's evidence carefully. He clearly did. It is not made out the weight given to the evidence as a whole by the Judge is in anyway irrational or unreasonable. Although the appellant may disagree the Judge's assessment that does not mean there is anything wrong with it in law.
  - 15.** It is not made out the Judge applied an incorrect burden and/or standard of proof or made a decision contrary to any country guidance caselaw. He did not.
  - 16.** At the end of the day the grounds, whilst disagreeing with the Judge's conclusions, fails to establish that the decision is outside the range of those reasonably open to the Judge on the evidence. The finding the

appellant is not an undocumented Bidoon is sustainable as is the related assessment of lack of risk on return.

- 17.** As the grounds fail to establish arguable legal error material to the decision to dismiss the appeal it is not appropriate for the Upper Tribunal to interfere any further in this matter. The decision shall stand.

**Decision**

- 18. There is no material error of law in the Immigration Judge’s decision. The determination shall stand.**

Anonymity.

- 19.** The First-tier Tribunal made no order pursuant to rule 45(4)(i) of the Asylum and Immigration Tribunal (Procedure) Rules 2005.

I make such order pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008. 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.

Signed.....  
Upper Tribunal Judge Hanson

Dated 18 October 2022