



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: RP/00162/2017

THE IMMIGRATION ACTS

Heard at Manchester
On 31 July 2018

Decision & Reasons Promulgated
On 6 September 2018

Before

THE HON. MR JUSTICE LANE, PRESIDENT

Between

MR ALI JAMA HASSAN
(ANONYMITY DIRECTION NOT MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Did not appear, and was not represented

For the Respondent: Mr McVeety, Home Office Presenting Officer

DECISION AND REASONS

1. This is an appeal brought with permission granted by Designated Judge Shaerf on 18 June 2018 to challenge the decision of Designated Judge McClure, who following a hearing in Manchester on 16 May 2018, at which the appellant did not appear and was not represented, dismissed the appellant's appeal on human rights grounds. The judge concluded that the appellant's rights under Articles 2 and 3 of the ECHR would not be breached by returning the appellant to Somaliland.

2. The appellant has a substantive and significant history of offending. We see that referred to at paragraph 30 of the judge's determination where he records, amongst other matters, on 17 December 1998 a conviction for assault with intent to commit buggery for which the appellant received 30 months' imprisonment and then on 19 July 2017 26 weeks' imprisonment for sexual assault on a male child under 13. There were less serious offences of being drunk and disorderly and other similar matters recorded in the year 2018.
3. The judge in a careful determination concluded that the appellant would not be at risk of inhuman or degrading treatment or punishment or death if he were to be returned to Somaliland. So far as Article 8 was concerned, having regard to the serious offences for which the appellant had been convicted and looking at matters overall, the judge was in no doubt that it would not be a disproportionate interference with the appellant's Article 8 rights to remove him from the United Kingdom.
4. Today, there has been no appearance by or on behalf of the appellant. I am satisfied from the Tribunal file that the appellant was properly notified of the date and time of today's hearing at his last recorded address.
5. Mr McVeety who appears on behalf of the respondent tells me that Home Office records indicate that the appellant is now regarded by them as an absconder. He has failed recently to meet his reporting obligations.
6. The Judge of the First-tier Tribunal granted permission to appeal because there was material put to him that suggested the appellant had to go to hospital prior to the hearing and that on the date of the hearing he had also had a medical appointment. The judge however rightly observed that there were problems with the NHS materials submitted in this regard. The date of birth of the appellant was significantly different from that he had given to the respondent. I also note that the records appear to show that although the appellant was hospitalised following an accident in April 2018, he had been discharged by 16 May because it appears from the relevant record that on that day he was back in the hospital having stitches removed.
7. The appellant is not here to explain the discrepancies in the date of birth in the NHS records; nor is he able to explain why it is that he chose to return to the hospital for what appears to me to have been a matter that could have been scheduled for some other time rather than missing his appeal hearing in Manchester, which plainly was capable of having very significant consequences for him.
8. In all the circumstances, the appellant has completely failed to make out any case to show that Designated Judge McClure acted unfairly, whether on the state of the evidence before the judge or with the benefit of hindsight; or both. On the contrary, everything suggests that the appellant's challenge is bogus.
9. Given that I can find nothing untoward with the decision of Designated Judge McClure, this appeal fails. There is no material error of law in the judge's decision.
10. The appeal is dismissed.

No anonymity direction is made.

Signed

Date

The Hon. Mr Justice Lane
President of the Upper Tribunal
Immigration and Asylum Chamber