



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

Appeal Number: PA/11961/2017

THE IMMIGRATION ACTS

Heard at Field House

On 4 March 2019

**Decision & Reasons
Promulgated
On 18 March 2019**

Before

UPPER TRIBUNAL JUDGE ALLEN

Between

**AHMAD [M]
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms E Sanders instructed by Duncan Lewis & Co Solicitors
For the Respondent: Mr C Avery, Senior Home Office Presenting Officer

DECISION AND REASONS

1. This is the appeal of Mr [M] against the decision of Judge Geraint Jones QC who dismissed his appeal against the Secretary of State's decision. The judge found the appellant to lack credibility. There had been an application for an adjournment to obtain evidence from a witness, a Mr [B]. That was refused.
2. So as I say he found the appellant to lack credibility and concluded that in the alternative he would be able to relocate internally within Lebanon on the basis of what he said was to be found within the expert report of Dr

Fatah concerning opportunities for homosexuals to live in the open to some extent in Beirut. So the appeal was dismissed on the basis first of a lack of credibility and secondly on the alternative basis that internal relocation was feasible.

3. The decision of the judge was challenged and permission was refused initially by a First-tier Tribunal Judge and then subsequently by a Judge of the Upper Tribunal. It is relevant at this stage to say something about the points of challenge. The first point was the fact that the judge did not realise that Mr [B] was the same person as [S] with whom the appellant claimed to have had a relationship and indeed the judge said [S] might have been an obvious witness to support the appellant's account but he neither gave evidence nor provided a witness statement so he declined to find as a fact that any such person or relationship existed whereas of course there was a witness statement from Mr [B], who had described himself as being also known as [S], in the bundle. So the judge confused those two points and the Upper Tribunal Judge who refused permission considered there was an arguable error in that respect.
4. A further point was in relation to the age that the appellant was when he began his relationship with Mostafa and the argument here was that he had not said he was 21 at the time, that he had relations with a man in the United Kingdom a hairdresser when he was 21 and the judge had confused this too.
5. As regards this the matter seems to have been regarded also by the Upper Tribunal Judge as being an arguable matter. Other issues were regarded as points of disagreement but the judge went on to say that with regard to internal relocation in any event there was no arguable error of law in the finding that he would be able to relocate internally to Beirut.
6. The matter then went on to a Cart judicial review and Lambert J concluded that the matter was arguable, that there was an arguable failure to consider the expert report as a whole, and that was regarded as a key matter. But I think it is important to look at the credibility issues as well because as Ms Sanders says they may well colour internal relocation as if the credibility findings are sound that says one thing perhaps about the ability to relocate and if they are unsound then that might put the findings on relocation into difficulty.
7. It seems to me clear as I think is common ground that the judge erred in the matter of identity with regard to Mr [B] and [S] and it does seem to me that that is a matter of materiality as to whether he had a relationship of the kind he claims with the person he claimed. The judge fundamentally got that wrong and also in my view was wrong about the point about the age. His evidence was sufficiently clear that the relationship with the hairdresser in the United Kingdom was when he was 21 and not the relationship with Mostafa when he would have been younger so there was no discrepancy there.

8. Those seem to me to be matters of weight and need to be properly evaluated and I do not consider the matter is saved by the internal relocation point. There is quite a lot of detail in Dr Fatah's report about internal relocation difficulties for Palestinians, including problematic issues arising for homosexuals in the Lebanon. Certainly he does make the point that there are opportunities for homosexuals to live in the open to some extent but he goes on to refer to raids on various establishments, few of these are out of bounds to the police, whatever else may have changed on paper, shifting the cultural perceptions of homosexuality would take much longer, ambiguity in the law continues to provide a scope of violence against and violations to the rights of the LGBTQ+ community so he may face discrimination on his return.
9. There needs to be a proper evaluation of that evidence in the light of proper credibility findings that has not been done and so this decision is set aside and it will have to be remade in full in the First-tier Tribunal in Hatton Cross.

Notice of Decision

The appeal is to the extent set out above.

No anonymity direction is made.



Signed

Date

Upper Tribunal Judge Allen

14th March 2019