



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

Appeal Number: PA/00547/2020 (V)

THE IMMIGRATION ACTS

**Heard at Field House by Video
On 19 November 2020**

**Decision & Reasons
Promulgated
On 22 December 2020**

Before

UPPER TRIBUNAL JUDGE PITT

Between

**AD
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr S Saad of Aman Solicitors Advocates

For the Respondent: Mr I Jarvis, Senior Home Office Presenting Officer

DECISION AND REASONS

**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.

1. This is an appeal against the decision issued on 29 April 2020 of First-tier Tribunal Judge Labasci which refused the appellant's asylum and human rights appeals brought against a decision of the respondent dated 6 January 2020.
2. The appellant is a Palestinian resident in Lebanon. He was born in 2000. The appellant came to the UK on 30 August 2017 and claimed asylum. As above, the respondent refused that claim on 6 January 2020. The appeal came before First-tier Tribunal Judge Labasci on 6 March 2020 and was dismissed on 29 April 2020. On 28 May 2020 the First-tier Tribunal granted permission to appeal to the Upper Tribunal.
3. The appellant's asylum claim maintained that he was born and grew up in the Al-Rashidya refugee camp in Lebanon. He stated that in 2017 he joined the Ansarullah organisation in his refugee camp as he understood from friends that he could earn approximately \$300 a month for carrying out work for the organisation within the camp. Unbeknownst to him, Ansarullah were affiliated to Hezbollah and were looking to send recruits to train and fight on the frontline in Syria. The appellant underwent initial training during which there was no reference to military service and initially only undertook some guard duties for the organisation. After approximately a month, however, he was told to report to a military training camp at the beginning of August 2017 and told that he would then be deployed to fight in Syria. The appellant realised he had made a mistake, discussed the matter with his family and went into hiding in July 2017 with a maternal aunt. His father made arrangements for him to leave the country. In the meantime Ansarullah raided his family home on 30 July 2017 and 1 August 2017, looking for him to take him away by force. The appellant claims that he left Lebanon on 3 August 2017, arriving in the UK on 30 August 2017 and claiming asylum the same day.
4. In support of his claim, the appellant provided two reports from the Popular Committee of the Palestinian Liberation Organisation (PLO) in the Al-Rashidya camp. He maintained that these documents supported his account of his being wanted by Ansarullah. He also submitted a statement from his father corroborating his claim. The appellant also relied on country evidence relating to the manner in which Palestinian refugee camps in Lebanon are administered, relying in particular on the respondent's Country Policy and Information Note entitled "Lebanon: Palestinians" issued in June 2018. He also relied on a document from the Danish Immigration Service and Landinfo entitled "Stateless Palestinian Refugees in Lebanon" issued on 3 November 2014.
5. The First-tier Tribunal said this regarding these parts of the appellant's evidence in paragraphs 38 to 42 of the decision:

"38. The Appellant explains, in his statement, that in preparation for his asylum claim he tried to obtain evidence and this is why his father went to the Popular Committees of the Palestinian Liberation Organisation at his camp. The Appellant claims they already had

records of the events which had taken place because they obtained this information from members throughout the camp. He says these members report any incidents that take place, these events are then documented. Although the letters are dated for when the information was formally requested by the Appellant/his father this is because reports are not provided automatically. A request must be made and then the committees confirm/check the events took place with their record and members, only after this will they provide the report/letters.

39. I only have the Appellant's evidence in support of his contention that the Popular Committees of the Palestinian Liberation Organisation in his camp have a record of any incident which takes place on the camp. Contrary to the Appellant's evidence, I do not find it credible, given the size of the camp, that every event would be reported and then recorded by the PLO.
 40. The Appellant relies on a statement, dated 13 November 2017 (the same day as the PLO reports), from his father in which his father states that Ansarullah raided his home on 30 July and 1 August 2017 looking for the Appellant. This statement refers to a warning given by the leader of the group but does not mention the repeated harassments referred to in one of the PLO reports. Furthermore, there is no mention in the father's statement of an incident which occurred on 28/10/2017 which is the date referred to in the PLO report. The fact the Appellant's father's statement is dated after the alleged incidents is not a reason, on its own, for placing little weight on the evidence. This is a feature of many witness statements in the Tribunals and courts. However, clearly the Appellant's father is not an impartial witness.
 41. Whether or not the PLO reports and Appellant's father's statement were written by the PLO and the Appellant's father I find, for the reasons stated above, that I can place little weight on them given the circumstances of this case.
 42. I accept that aspects of the Appellant's account are consistent with the objective evidence which he has relied upon and I have taken this into account in reaching my conclusions. However, having regard to all the evidence in this case and in particular to the findings I have already made, I find the Appellant's credibility has been damaged and I do not accept he has given a truthful account of his reasons for leaving Lebanon. I find the Appellant wanted to join his brother and uncle in the UK and this is what motivated him to leave and travel to the UK. I conclude the Appellant would not be at risk of harm by Ansarullah if he returned to the Al-Rashidya Refugee Camp in Lebanon".
6. The appellant's ground of challenge to the Upper Tribunal is narrow. It focuses on paragraph 39 of the decision where the judge concludes that it is only the appellant's uncorroborated evidence that reports from the PLO Popular Committee such as those he relied on would be available. The appellant maintains that that finding was erroneous as it failed to take into account country evidence before the First-tier Tribunal in the CPIN and the Danish Immigration Service Report specifically on the role of the authorities within the Palestinian refugee camps in Lebanon.

7. The appellant relied in particular on paragraph 8.2.1 and 8.2.2 of the CPIN which reads as follows:

“The Popular Committees act to create and enforce the paralegal system that exists in each camp and co-operate with UNRWA and other aid agencies in administering and servicing the camp. They are not democratic – members represent their faction (and their factions’ interests), not those of their constituents. The Popular Committees are a means with which to resolve problems that arise between individuals belonging to different factions. The Popular Committees are also the chief contact point for the Lebanese Government”.

Paragraph 8.2.2 states:

“When a fugitive believed to be located in a camp is wanted by Lebanese security forces, the latter sometimes negotiate with the camp’s Popular Committees to have them handed over. This is a complicated and not-always-successful process, which is largely dependent on the fugitive’s factional connections within the camp and how strong that faction is”.

8. The Danish Immigration Service Report in paragraph 1.1.31 provides similar information about how the camps are administered. It states:

“Regarding the popular committees, Mahmoud M. Abbas (CYC) explained that by the Cairo Agreement of 1969, each camp was made responsible for administration and governance within the camps. Hereby the PLO establish Popular Committees which were tasked to take care of daily life in the camps including administration of finances, security and social services”.

The report goes on in the same paragraph:

“The source added that the popular committees still have a role to play in the camps, however they are now divided since the Hamas and Fatah division (in 2007). In reality, there are several popular committees and they are often weak, with little funds and no legal basis. Although the popular committees are not capable of providing protection or run services for the Palestinians in the camps, Mahmoud M Abbas (CYC) considered that the committees still do play a role”.

The report goes on to state that the committees “may also try to settle conflicts within the camps but have no real authority to govern and make decisions”.

9. The appellant maintains that this evidence was capable of providing objective support for his account of the PLO Popular Committee providing a report corroborating his account of his difficulties in the Al-Rashidya Camp and the threat to him from Ansarullah. He maintains that this failure to consider this potentially material evidence undermined the finding on his credibility. He also maintains that the judge’s comments on the reliability of his father’s statement in paragraph 41 are undermined where weight was not placed on this document “for the reasons stated above”, that is, the judge’s view that there was nothing to show that the Popular Committee could provide the reports provided by the appellant,

10. The respondent defended the appellant's grounds, maintaining that although the judge did appear to have overlooked the country material supporting the appellant's account of how the refugee camp was run and the ability of the PLO Popular Committee to provide the kind of report on which he sought to rely, within the findings as a whole this omission was not material. The respondent sought to argue that in paragraph 39 the Judge did not state that there was no evidence on the kind of administration in the camps claimed by the appellant but that he found that there was no evidence that the Popular Committee would not have records to the level of detail alleged by the appellant. The respondent's representative also referred to the findings in paragraph 36 of the decision which concern findings that the appellant's account of the basis of his claim when given to the Border Force in Paris on 27 August 2017 was significantly different from the claim he later put forward in the UK. Further, in paragraph 37 the judge had noted that the appellant had travelled through a number of European countries before claiming asylum in the UK and found that this undermined his credibility.
11. It is my conclusion that the country material on the role of the PLO Popular Committee in refugee camp in Lebanon was not taken into account by the judge when he reached his finding in paragraph 39 and that this was a material error. The country evidence on the Popular Committees set out above is capable of supporting the appellant's claim that the Committee in his camp knew of, recorded and was able to produce a report of the incidents he maintains occurred after he went into hiding from Ansarullah. It was not open to the Judge to find that there was no objective evidence on the role of the Committees in the camps or that there was no evidence of the Committees having a detailed knowledge of the kind of incident set out in the appellant's claim. Had the First-tier Tribunal addressed the supporting evidence on the role of the Popular Committees, it is possible that he would have found that the reports from the PLO supported the appellant's claim. That, in turn, could have led to a different finding on credibility overall. That is my view regardless of the fact that there are other parts of the appellant's claim that the Judge was entitled to find reduced his credibility, for example, the appellant's statements when he encountered the Border Force in Paris in 2017 and his failure to claim asylum in safe countries whilst travelling through Europe. The assessment of credibility is a holistic exercise, and the final assessment of the strengths and weaknesses of the appellant's case could have been different if the reports from the Popular Committee had been assessed in the light of the evidence on the way such Committees operate.
12. For these reasons, I find that the appellant's grounds have merit. I find that the decision of the First-tier Tribunal discloses an error on a point of law and must be set aside to be re-made *de novo*. The parties were in agreement that the matter should be remitted to the First-tier Tribunal where the credibility findings had to be made *de novo* and I concluded that this was in line with paragraph 7 of Part 3 of the Senior President's Practice Statement.

Notice of Decision

13. The decision of the First-tier Tribunal discloses a material error on a point of law and is set aside to be re-made *de novo* in the First-tier Tribunal.

Signed S Pitt
Upper Tribunal Judge Pitt

Date 8 December 2020