IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2023-000467

First-tier Tribunal No: PA/55243/2021

THE IMMIGRATION ACTS

Decision & Reasons Issued:
On 24 May 2023

Before

UPPER TRIBUNAL JUDGE KEBEDE

Between

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(Anonymity Order made)

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:
For the Appellant: Ms K Reid, instructed by J McCarthy Solicitors
For the Respondent: Mr Wain, Senior Home Office Presenting Officer

Heard at Field House on 28 April 2023

DECISION AND REASONS

1. The appellant appeals, with permission, against the decision of the First-tier Tribunal dismissing his appeal against the respondent's decision to refuse his protection and human rights claim.

2. The appellant was born on 26 January 1986. He claims to be a Palestinian national born in Doha, Qatar and to have lived in Qatar from birth with leave to remain as a refugee, aside from three years spent in the UK studying for a degree, from 2013 to 2016. He claims to have met his wife on a visit to Jordan and to have married her in June or August 2010. Their two sons, A, born on 9 November 2013, and R, born on 23 August 2012, were born in Doha, Qatar. He claims that he and his sons were Palestinian refugees living in Qatar and held Palestinian passports, and that his wife, who was born in Kuwait, was a Palestinian refugee, but was also a Jordanian national. The respondent believes the appellant to be a Jordanian national, since he holds a Jordanian passport. The appellant, however, claims that the Jordanian passport did not reflect Jordanian citizenship but was simply a travel document.

3. The appellant applied for a visa for the UK on 18 November 2018 together with his wife and two sons using their Jordanian passports. They were granted visas and left

Doha on 9 February 2020, arriving in the UK on 10 February 2020. The appellant claimed asylum on 19 May 2020.

4. The appellant claimed that he had had problems with his wife's brother M prior to his marriage, since M objected to the marriage and threatened him. His brother did not come to the wedding. The appellant claimed that he had come to the UK on a visit visa with his family, for a holiday, but whilst here had received a letter from his employer in Qatar terminating his employment, as a result of which he had lost his residence status in Qatar and had become stateless. He could not, therefore, return to Qatar. He claimed that he could not return to Palestine because his wife was from Jordan and would not be permitted to enter and in any event he had no family or means of support in Palestine. He claimed that he would not be able to live in Jordan because he and his children held Palestinian passports and his children would not be able to be sponsored by his wife because citizenship only passed through the father. Further, he had never lived in Jordan.

5. The respondent refused the appellant's claim in a decision dated 22 October 2021. With regard to the appellant's nationality, the respondent did not consider that the Palestinian passports produced by the appellant for himself and his two children were reliable documents, since they referred to them having been born in UAE whereas the appellant had stated that they were all born in Qatar as confirmed in the Jordanian passports. The respondent noted that the appellant had previously applied for visas for himself and his sons using Jordanian passports which had been checked and deemed to be genuine documents. The respondent noted that when claiming asylum the appellant had claimed that he and his children were Palestinian nationals and that their Jordanian passports and credit cards were lost. The respondent concluded that the appellants came from Jordan and not Palestine and were Jordanian nationals, and their claim was considered on that basis. With regard to the appellant's claim to have received threats from his brother-in-law M, the respondent accepted that he had received threats in Jordan, but considered he had failed to show that M would still be interested in him given that he had not experienced any problems since his wedding over ten years ago. As for the appellant's account of his employment and residency having been terminated in Qatar, the respondent did not accept the account since no evidence had been submitted in that regard despite the request for such evidence and given that the claim was contrary to Qatar Labour Law. It was therefore not accepted that the appellant was stateless. As for whether the appellant was at risk on return, the respondent considered that he could return to Jordan with his family and that he would not be at any risk in that country. The respondent considered that if the appellant had lost the Jordanian passports he could apply for new ones at the Jordanian Embassy in London. The respondent did not accept that his passport was only a temporary travel document as he had used his previous Jordanian passport to obtain his student visa in 2013 as well as the current passport used for the visit visa applications. In any event even if the passports were only travel documents, the appellant could obtain new ones and travel to Jordan and apply for residence permits there for himself and his family. The respondent concluded accordingly that the appellant did not qualify for refugee status and, further, that his removal to Jordan would not breach his human rights.

6. The appellant appealed against that decision and his appeal was listed for hearing in the First-tier Tribunal. He submitted a skeleton argument for the appeal together with an appeal bundle and various other documents. In the skeleton argument it was stated that the appellant had lived in Qatar with a temporary residency as a refugee which was renewable every year. After returning to Qatar from the UK in 2016 he became a work permit holder. His children were Palestinian refugees

born in Qatar and were not entitled to Jordanian nationality since nationality only passed through the father and not the mother. His work permit was cancelled when he came to the UK for a visit and that also ended his residency in Qatar and he and his family no longer had a right of residence in Qatar. Evidence of the termination of employment was produced. The appellant's wife did not have a right to reside in the Palestinian Territories as she did not have a Palestinian ID and in any event the appellant had never lived in the Palestinian Territories. The Jordanian documents used by the appellant and his children for applying for entry clearance to the UK were temporary travel documents and not passports. The appellant and his children should be accepted as being Palestinian nationals. The appellant and his children would not be able to go to Jordan and, even if they were admitted, they would have no rights there. There were therefore very significant obstacles to integration in Jordan and removal from the UK would be disproportionate.

7. The appellant's appeal came before First-tier Tribunal Judge Burnett on 21 November 2022. The appellant and his wife gave oral evidence before the judge. The judge concluded that the appellant was a Jordanian national who held a national identity number, who could return to Jordan with his wife and children and live there and who would be at no risk in that country. He considered that the appellant had failed to demonstrate that he would not be able to access services and basic rights for himself and his children in Jordan and he accordingly dismissed the appeal on protection and human rights grounds.

8. The appellant sought permission to appeal against that decision on the grounds that the judge's finding, that the appellant held "full" Jordanian nationality and could be returned there, was materially flawed, as: he had failed to have regard to relevant country evidence; he had failed to consider the risk of deprivation of nationality on the grounds of being of Palestinian origin; he had failed to make findings on Palestinian nationality; he had failed to make findings on whether the appellant was a Palestinian green card holder; and he had failed to give reasons why he concluded that the appellants' children were Jordanian nationals.

9. Permission was granted in the First-tier Tribunal. The respondent issued a rule 24 response opposing the appeal.

10. The matter then came before me.

Hearing and Submissions

11. Ms Reid submitted that the judge's reliance upon the national identity number in the appellant's Jordanian passport as demonstrating that the appellant held full Jordanian nationality was problematic since it focussed on only one source from the country materials without consideration being given to the rest of the evidence and did not take account of the deprivation point upon which no findings were made. The source relied upon was, furthermore, said not to be an authoritative source. The judge also erred by failing to consider the question of whether the appellant's Jordanian nationality could be arbitrarily withdrawn. Ms Reid submitted further, with regard to the third and fourth grounds, that the judge had failed to make findings on whether the appellant was a Palestinian national and a green card holder, which were material matters, and with regard to the last ground, that the judge had erred by finding that the appellant's children were Jordanian nationals without that being a matter evidenced or argued before him.

12. Mr Wain submitted that, in the absence of any expert evidence, the judge considered the background evidence before him and was entitled to give the weight that he did to the country evidence relied upon at [37]. Mr Wain relied upon the case of Hussein and Another (Status of passports: foreign law) [2020] UKUT 00250 in which it was held that a person who held a genuinely issued passport was to be regarded as a national of the State that issued the passport and that it was for the appellant to show that he did not hold that citizenship. He submitted that the judge, at [40], had not accepted the evidence relied upon by the appellant to demonstrate that he was a Palestinian national. The judge was entitled to consider the children's nationality, as that was a point pleaded before him.

13. In response Ms Reid submitted that the judge had only mentioned the question of arbitrary deprivation of Jordanian nationality but had failed to make any findings on the matter. He had not made findings on the appellant's Palestinian nationality. There was a complete lack of material findings and the matter had to be re-heard afresh.

Discussion

14. It is the appellant's case that Judge Burnett failed to grapple with the country evidence and ignored the submissions and evidence before him, preferring simply to rely on one paragraph from a country report as being determinative of the issue of whether the appellant's Jordanian passport confirmed his Jordanian nationality rather than simply being a travel document which did not reflect any entitlement to nationality. The respondent's response to that assertion, as set out in the rule 24 reply and as submitted by Mr Wain, is that the grounds are simply a disagreement with the weight that the judge accorded to the evidence before him and an attempt to re-argue the matter. I find myself in agreement with the respondent.

15. The judge was not required to set out and address each and every piece of evidence. He emphasised at [24] that he had considered all the documents and that he had examined all the evidence with care. It is clear that he understood the case put to him on behalf of the appellant and that he considered and engaged with all the evidence accordingly. At [34] he commented that he did not have the benefit of expert evidence and he noted that the burden of proof lay upon the appellant to make out his case in regard to his nationality. As the judge said, in the absence of any expert evidence he was left to undertake his own assessment of the relative arguments based upon the background materials provided and that is what he then proceeded to do. The fact that he quoted from one source in particular, at [37], does not mean that he disregarded the rest of the evidence. He referred to other country reports at [36] to [38]. He acknowledged from the background evidence that there was a practice of Jordanian citizenship being withdrawn arbitrarily from Palestinian citizens and he took that into account in his assessment. Having assessed all the evidence and considered the arguments presented on behalf of the appellant the judge was perfectly entitled to draw the conclusions that he did from the evidence. He was entitled to reject the appellant's submissions in regard to the relevance of the national identity number in his Jordanian passport. He gave reasons why he did so and was entitled to give weight to the sources upon which he relied.

16. Accordingly, having considered, in the light of that background evidence, the fact that the appellant had held two Jordanian passports, that the passports for the appellant and his children contained their correct details and had been assessed as genuine, that the appellant had used his passport to visit Jordan on several occasions, that the passports had been used to obtain entry clearance to the UK (with the nationality of the appellants and his children specifically stated as Jordanian in the

application forms) and that the passports contained national identity numbers, and having had regard at [39] to the omissions in the appellant's communications with the Jordanian Embassy, it was entirely open to the judge to conclude that the passports reflected the Jordanian nationality of the appellant and his children rather than simply being temporary identity and travel documents.

17. The grounds assert further that the judge's assessment of the appellant's nationality was flawed by the fact that he had failed to make any findings on the appellant's Palestinian nationality and whether he was a Palestinian green card holder. However the judge made findings in that regard at [40]. Whilst his conclusion could arguably have been more clearly expressed, his findings at [40] have to be read together with the summary of the respondent's case at [15] which in turn reflected the respondent's findings at [23] and [24] of the refusal decision whereby it was clear that the Palestinian passports were not considered to be reliable documents. The judge was plainly not satisfied that the appellant had demonstrated, by way of reliable evidence, that he was a Palestinian national and he gave cogent reasons for so concluding. He was perfectly entitled to reach that conclusion, given the anomalies identified in the documentation.

18. As for the challenge in the last ground to the judge's findings that the appellants' children were Jordanian nationals, that was clearly a matter the judge determined together with the evidence and reasons relating to the appellant's own nationality, as he was perfectly entitled to do. Although the appellant's refusal decision referred to the children receiving a separate decision, the respondent made it clear that their cases were being considered as his dependants together with, and on the basis of the same evidence as, his case. As Mr Wain pointed out, the appellant's skeleton argument referred to the children's case as well as that of the appellant, at [28], and therefore it was not correct for the appellant to claim that his children's case had not been argued or pleaded before the judge.

19. For all these reasons I find no merit in the grounds. The judge undertook a careful and detailed assessment of the evidence and provided cogent reasons for according the weight that he did to the evidence. He was entitled to reach the conclusions that he did. The grounds do not identify any errors of law in his decision. Accordingly I uphold his decision.

Notice of Decision

20. The making of the decision of the First-tier Tribunal did not involve a material error on a point of law requiring it to be set aside. The decision to dismiss the appeal stands.

Anonymity

The anonymity direction made by the First-tier Tribunal is maintained.

Signed: S Kebede
Upper Tribunal Judge Kebede

Judge of the Upper Tribunal
Immigration and Asylum Chamber

5 May 2023