



IAC-FH-AR-V1

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

Appeal Number: AA/05887/2015

THE IMMIGRATION ACTS

**Heard at Field House
On 29 February 2016**

**Decision &
Promulgated
On 4 April 2016**

Reasons

Before

UPPER TRIBUNAL JUDGE McWILLIAM

Between

**MK
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr E Wilford, Lawrence & Co Solicitors
For the Respondent: Mr D Clarke, Home Office Presenting Officer

DECISION AND REASONS

1. The appellant is a national of Palestine and he was born on 16 May 1987. He made an application for asylum on 24 October 2014 which was refused on 19 March 2015 by the respondent who did not accept that the

appellant would be at risk on return to Lebanon as a result of *sur place* activities.

2. The appellant's evidence in summary is that he has attended twenty demonstrations in London against the Syrian regime outside the Syrian, Russia, US and Iranian Embassies. He claimed to be chanting and holding banners and produced at the hearing photographs that had been taken of him demonstrating. His case is that the Lebanese authorities have seen the photographs and have become aware of the *sur place* activities and this has resulted in the appellant's brother and father being detained by the authorities in Lebanon.
3. The appellant's appeal was dismissed by Judge of the First-tier Tribunal Devittie following a hearing in a decision that was promulgated on 12 October 2015. Upper Tribunal Judge Plimmer granted permission on 22 December 2015. Thus the matter comes before me today.
4. In support of the appellant's case he produced (appellant's bundle, section B, Page 1) an article from The Daily Star (a Lebanese newspaper) of 31 March 2015. He submitted this in order to establish that surveillance is conducted by the authorities which would explain how the authorities became aware of the photographs and his *sur place* activities.
5. The judge made findings from paragraph 12 of the decision. He found that the appellant was not credible for a number of reasons, most of which are not challenged. The judge did not accept that the appellant had established that his father and brother were arrested and although he accepted that the appellant had taken part in the demonstrations as claimed, he did not accept that these activities had come to the attention of the authorities.
6. The judge at paragraph 11 refers to the evidence of the newspaper in The Daily Star in the context of the appellant's submissions. The grounds of appeal argue, in a nutshell, that the judge had no regard to the evidence of The Daily Star and he failed to make findings on it and thus the assessment of credibility and risk is flawed.
7. It is clear that the judge was mindful of the evidence from The Daily Star (see paragraph 11(i)). He does not make findings about the article but in my view this does not amount to a material error of law. By any account the content of the article is extremely weak evidential support for the appellant's case that his *sur place* activities have come to the attention of the authorities. The newspaper article is not sourced. It claims that a computer spying campaign is likely to have originated with a government agency or political group in Lebanon and that the activities are without financial motive and are not perpetrated by low skill hackers.
8. The judge found the appellant to be lacking in credibility for a number of reasons. He took into account the photographic evidence. There was no

evidence that these were on the internet or in any way in the public domain so it is difficult to see any connection between them and the article in the newspaper. The article quite simply does not establish what the appellant wants it to; namely, that the authorities are engaging in a computer spying campaign which targets political dissent and that as a result of this they have discovered the appellant's *sur place* activities. The link between the appellant's case and the content of the article is at best tenuous. There is no material error of law.

Notice of Decision

9. There is no material error of law and the decision of Judge Devittie is maintained.

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.

Signed Joanna McWilliam

Date 16 March 2016

Upper Tribunal Judge McWilliam

Upper Tribunal Judge McWilliam