Upper Tribunal
(Immigration and Asylum Chamber) Appeal Number: PA/08647/2019 (V)

THE IMMIGRATION ACTS

Heard at Bradford by Skype for business	**Decision & Reasons Promulgated**
On the 4 November 2020	**On 10 November 2020**

Before

UPPER TRIBUNAL JUDGE REEDS

Between

NEB
(ANONYMITY DIRECTION MADE)

Appellant

AND

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:
For the Appellant: Mr Mozham, Counsel instructed on behalf of the appellant
For the Respondent: Ms Pettersen, Senior Presenting Officer

DECISION AND REASONS

Introduction:

1. The appellant, a citizen of Morocco, appeals with permission against the decision of the First-tier Tribunal (Judge Anthony) (hereinafter referred to as the "FtTJ") who dismissed his protection and human rights appeal in a decision promulgated on the 20 December 2019.

2. I make a direction regarding anonymity under Rule 14 of the Tribunal Procedure (Upper Tribunal Rules) Rules 2008 as the proceedings relate to the

circumstances of a protection claim. 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. This direction applies both to the appellant and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.

3. The hearing took place on 4 November 2020, by means of *Skype for Business*. which has been consented to and not objected to by the parties. A face to face hearing was not held because it was not practicable, and both parties agreed that all issues could be determined in a remote hearing. I conducted the hearing from court at Bradford IAC. The advocates attended remotely via video as did the appellant so that he could listen and observe the hearing. There were no issues regarding sound, and no substantial technical problems were encountered during the hearing and I am satisfied both advocates were able to make their respective cases by the chosen means.

Background:

4. The history of the appellant is set out in the decision of the FtTJ. The appellant arrived in the United Kingdom on 4 May 2015 and claimed asylum on 6 May 2015. He had a screening interview on the same day was substantively interviewed twice, first on 15 March 2019 and again on the 20 May 2019.

5. The basis of the appellant's claim that he was injured in an accident in 1992 when hit by a train as a result his leg was amputated. It was said that he had engaged a lawyer and that he had spoken to a police officer about his treatment. As he was rude to him he threw a stone at the government car and was arrested and imprisoned for nine months. After he was released he left Morocco to travel to France where he claimed asylum. He was detained in France for six months and was given notice to leave and so he returned to Morocco. He was deported there in 1995. The appellant stated that he had been imprisoned by the authorities the seven years where he was beaten and interrogated. As a result, he became depressed and was transferred to a mental health hospital between 2007 – 2010 and whilst there he managed to pay a bribe to an officer who allowed him to escape.

6. The basis of his claim was that he was from West Sahara, that he escaped detention and would therefore be at risk on return and also as he had converted to Christianity.

7. The FtTJ set out the factual issues within the determination. It was not accepted that the appellant was from Western Sahara or that he was of Sahwari ethnicity. It was accepted that the appellant was an amputee, and this could be a member of a particular social group ("PSG") but did not accept that the amputation occurred because of the train accident as claimed. Nor was it accepted that the appellant was arrested, tortured, and imprisoned by the Moroccan authorities. It was also not accepted that he escaped from mental health hospital by paying a bribe. Lastly it was not accepted that he was a genuine Christian convert.

8. The appellant appealed that decision, and his appeal came before the First-tier Tribunal (Judge Anthony). The FtTJ heard evidence from the appellant and also the Reverend.

9. In a decision promulgated on 20 December 2019 he dismissed his appeal. In relation to the protection claim the judge set out his findings at [34 – 80]. The judge considered each head of risk beginning with the train accident at [45 – 49], the first arrest and imprisonment at [50 – 54], leaving Morocco at [55 – 59], the rule 35 report at [60 – 61], the second arrest/imprisonment at [62 – 66] and his escape and the mental health hospital at [67 – 69].

10. I observe at this stage that none of the findings of fact made by the judge in relation to his factual account relating to those paragraphs above are challenged in the grounds submitted on behalf of the appellant. The findings of fact that are challenged relate to the FtTJ's assessment of his ethnicity at [34 – 44] where the judge concluded that he was not from Western Sahara and the assessment of whether he had genuinely converted to Christianity as set out at [71 – 81] where the judge concluded that he was not satisfied that he had genuinely converted from Islam to Christianity.

11. Permission to appeal was sought and permission was granted by FtTJ Haria on 21 January 2020.

The hearing before the Upper Tribunal:

12. In the light of the COVID-19 pandemic the Upper Tribunal issued directions, inter alia, indicating that it was provisionally of the view that the error of law issue could be determined without a face to face hearing and that this could take place via Skype. Both parties have indicated that they were content for the hearing to proceed by this method. Therefore, the Tribunal listed the hearing to enable oral submissions to be given by each of the parties.

13. Mr Mozham, Counsel on behalf of the appellant relied upon the written grounds of appeal. There were also further written submissions dated 1 May 2020.

14. There were also written submissions filed on behalf of the respondent in a Rule 24 response dated 29 April 2020 and further submissions addressing the materiality of Ground 1 dated 11 May 2020.

15. I also heard oral submission from the advocates, and I am grateful for their assistance and their clear oral submissions. I intend to consider their respective submissions when addressing the grounds of challenge advanced on behalf of the appellant.

16. There are two grounds advanced on behalf of the appellant. I begin by considering ground 1.

Ground 1:

17. Dealing with ground 1, it is submitted on behalf of the appellant that the FtTJ made a mistake of fact at paragraphs [34] and [40] of the decision when referring to the appellant having an "identification card".

18. Mr Mozham submitted on behalf of the appellant that the appellant had stated in the screening interview and substantive interview that he had no ID card, and the document was neither in the Home Office bundle or the appellant's bundle. Thus, it is submitted that the FtTJ's findings of fact as to the appellant's ethnicity and that the appellant was not from Western Sahara was not properly reasoned.

19. Ms Pettersen on behalf of the respondent made reference to the rule 24 response in which her colleague had stated that it may not have been sufficiently clear what document the judge was referring to at paragraphs 34 – 40 but that in any event any such error was not material in the light of the findings made by the judge relating to the other evidence that was before the judge including the birth certificate which demonstrated that he was born in Tan Tan (which is not in Western Sahara) and that the expert report did not address the issue of disputed ethnicity. The judge gave other reasons for reaching his overall conclusion at paragraphs [38 – 44].

20. Having considered the submissions in the light of the evidence before the FtTJ I am not satisfied that the FtTJ fell into any material error. In fact, having closely considered the documents, the judge does not appear to have been in error at all.

21. The appellant claimed to have been born in Western Sahara and that he was of Sahrawi ethnicity. The judge set out his findings of fact and analysis at paragraphs [34 – 44] of his decision. At [34] the judge set out the appellant's factual claim and the evidence that he had provided. In particular the judge identified that the appellant had produced a copy of his birth certificate which confirmed that he had been born in Tan Tan. The respondent did not dispute his place of birth but that the objective material stated that Tan Tan was not located in Western Sahara (see paragraphs 35 and 36). This is a point raised in the decision letter and as the FtTJ observed at [36] the appellant was given an opportunity to respond to this in his interview but he did not appear to know that Tan Tan was outside the geographical boundaries of Western Sahara.

22. At [34] the judge also referred to the following "the appellant has also provided an identity card which confirms that the details on the card are identical to the details in the family civil status book number issued by the office of civil status commune of Tan Tan". At [40] he made reference again to that ID card although it is plain in my judgement that the FtTJ throughout his decision referred to the birth certificate (which it is accepted was before the judge confirming he was born in Tan Tan).

23. Whilst the grounds and Mr Mozhan submitted that there was no "ID card" when I went through the documents with the parties there was in fact such a document or one that could be referred to as "identity document".

24. In the respondent's bundle (unhelpfully and paginated) there are two documents; both are untranslated but the second document is clearly the birth certificate as it refers to the " Extrait D'Acte De Naissance" and gives both the place of birth as Tan Tan and the date of birth of 4/5/1979 which is consistent with the appellant's date of birth.

25. The other document which is untranslated in the respondent's bundle is also exhibited in the appellant's bundle at page 45 and is translated at page 46. The translation reads as follows:

> "The Kingdom of Morocco
>
> Ministry of Interior
>
> district of xxx
>
> office of civil status of the commune
>
> certificate number (not given)
>
> Personal ID card for civil status
>
> This document is a summary of the birth registration, according to his Majesty's degree issued on …"

The document then sets out the appellant's first name, his family name, his date of birth, his place of birth which is Tan Tan and the name of his father and mother. At the bottom it says "distinctive features" which makes reference to his neighbourhood.

26. This document is not the translation of the birth certificate in the respondent's bundle headed "Extrait d'Acte de naissance" but is a translation of the document at page 45 of the appellant's bundle which is a different document. The translation does refer to it being a "personal ID card for civil status". Therefore, when the FtTJ made reference to the "ID card" at paragraphs 34 and 40, it looks as though he was referring to this document. Even if it was not an ID card in the usual sense it was a document which made reference to it being a "personal ID". Therefore, the judge did not make an error in referring to an identity document. Whilst the appellant claimed he did not have any ID, this is a document, along with the birth certificate that the appellant subsequently provided.

27. Having considered the evidence, the judge's finding on the issue of the appellant's ethnicity was entirely one that was open to him on that evidence. I am satisfied that is so for a number of reasons. Firstly, the birth certificate, which was before the judge stated that he was born in Tan Tan which is not in Western Sahara (see paragraphs 35 – 36). The identity document or the second document refers to the same place of birth. Even if the document referred to by

the judge as an "ID document" was not before him, the judge was still entitled to place weight upon the birth certificate which provided the same information. As the judge observed, the expert who had provided a report was not asked to comment on the issue of ethnicity and whether the appellant identified as Western Saharan /Sahrawi by virtue of the ethnicity of his father. As the FtTJ identified at [39]-[40] by reference to paragraph 36 of the expert report, (that Sahrawis have Moroccan identification cards but are marked differently in order to warn about their Saharawi origins), the document which the judge referred to as the ID document (which appears at 46 of the appellant's bundle, has no such information or mark on it. The same is true of the birth certificate.

28. The judge also observed that the expert was provided with documents for the purposes of preparing the report but was not provided with the appellant's birth certificate or the document which I have identified at page 46. Therefore, the expert report that proceeded on the basis that he was from Western Sahara could not have been given weight on that particular issue. Thus, the finding at [40] was a finding wholly open to the FtTJ to make.

29. In any event, the FtTJ did not solely rely upon those documents and gave other reasons for disbelieving the appellant. At [41] the appellant had said in his substantive interview that the Moroccan authorities would not issue him with any papers because he is from Western Sahara. However, as the judge observed, it was clear from the documents provided to the respondent (which included the birth certificate) that that was not the position. Furthermore, whilst he was questioned regarding documents in his interview, he did not provide a credible explanation as to how he could be identified as Western Saharan from those documents.

30. Also, at [42] the judge took into account that he did not claim to be Western Saharan/Sahwari in his screening interview and he was clear also that Tan Tan was in South Morocco and his nationality was Moroccan. It was open the judge to find that it was not until his witness statement on 6 May 2016 that he claimed that Tan Tan was in West Sahara and that he was not recognised as Moroccan national. That was a finding that the judge was entitled to make and expressly took into account the guidance of *YL (rely on SEF) China* (2004) UKIAT 00145 at [43] when placing weight upon his inconsistent evidence.

31. Furthermore, the judge gave adequate and sustainable reasons as to why he disbelieved his account as to events in Morocco which included the train accident, being imprisoned on two occasions and escaping from a mental health hospital. None of those findings of fact have been challenged in the grounds and those findings were relevant to the appellant's general credibility.

32. I am satisfied that even if the FtTJ was in error about there being an "ID document", any error would not be material to the assessment because when the other evidence, including the birth certificate, was taken together, for the reasons given above it was open to the judge to reach the conclusion at [44] that

the appellant had not demonstrated that he was from Western Sahara or of Sahrawi ethnicity.

33. Therefore, ground one is not made out.

Ground 2:

34. As to ground 2, Mr Mozham submits that the FtTJ erred in his assessment of the appellant's conversion to Christianity. He submitted that the judge accepted that the Reverend had given evidence in good faith at [74] and that the only other reason given for rejecting his evidence was that the Reverend did not have experience of distinguishing between a genuine convert or a non-genuine convert (at [75]). He therefore submits that the conclusions reached by the judge were not based on any proper reasoning and that the judge had simply stated that the Reverend was not competent to give a view.

35. Secondly, Mr Mozham submitted that the judge fell into error having found that the appellant was not credible relating to past persecution and it was "entirely possible that the appellant had pulled the wool over the Reverend's eyes". This ground quotes paragraph 38 of the decision in *TF (Iran) v Secretary of State for the Home Department* [2018] CSIH 58, 2019 SC 81.

36. He submits that the judge did not adequately assessed his conversion to Christianity independently of the claim relating to events in Morocco.

37. Ms Pettersen submitted that whilst the grounds referred the decision of *TF and MA*, the judge did not fall into error because the judge took into account the appellant's lack of knowledge of Christianity shown by the interview which was taken three years after he began studying to be a Christian and also that alongside his motivation for attending the church. She submitted that when taken into the context of the evidence and that of the Reverend, the judge was entitled to reach the conclusion that the appellant was not a genuine Christian convert.

38. I have therefore carefully considered the submissions in the light of the evidence before the FtTJ and in the light of the relevant jurisprudence. Whilst the grounds cite the decision in *TF (Iran) v Secretary of State for the Home Department* [2018] CSIH 58, 2019 SC 81, it does not appear that it was put before the FtTJ when advancing submissions on behalf of the appellant.

39. In the decision of the Extra Division of the Inner House of the Court of Session in *TF (Iran) v Secretary of State for the Home Department* [2018] CSIH 58, 2019 SC 81 the appeal concerned an issue about the genuineness of a claimed conversion. The remainder of the opinion was concerned with the type of evidence that would be admissible to support the genuineness of a conversion to Christianity. At [58] the Court stated that evidence should come from individuals with:

> "sufficient knowledge of the practices of the church of which they are a member; sufficient experience of observing and interacting with those

> seeking to become members of the church; sufficient knowledge and experience of others who have gone through similar processes of engagement in church activities with a view to becoming members of the church; and, in cases such as these, sufficient knowledge of the individuals concerned and of the manner in which they have thrown themselves into church activities.'

40. In *TF* there had been independent evidence including oral evidence from one which supported the genuineness of the appellant's conversion. The evidence given was detailed and extensive (see paragraph 9 – 16). The judge fell into error because he failed to engage with the evidence and as a result the appeal was remitted.

41. At paragraph [59] the Court stated:

> 'Of course, it remains for the court or tribunal to make the final decision, and nothing in the expert evidence can take that away from the court or tribunal. To this extent it is legitimate to question the experts on their opinions and as to the basis upon which they have reached those opinions. In some cases, it may be appropriate to question the objectivity of the assessment made by the witness, or to suggest that there may be an element of wishful thinking given the evangelical mission of the particular church. But, as we have already made clear, that exercise should not start with any predisposition to reject the evidence because it does not fit in with some a priori view formed as to the credibility of the appellant. The evidence should be considered on its merits and without any preconception, based upon an assessment of the individual appellants, that it is suspect or otherwise falls to be disregarded'.

42. In a more recent decision of *MH (review; slip rule; church witnesses) Iran* [2020] UKUT 125 (IAC), the Upper Tribunal set out in its headnote that:-

> "written and oral evidence given by "church witnesses" is potentially significant in cases of Christian conversion (see *TF and MA*). Such evidence is not aptly characterised as expert evidence, nor is it necessarily deserving of particular weight, and the weight to be attached to such evident is that the judicial factfinder".

43. The Tribunal went on to refer to the decision of *TF and MA* and stated at [48-49] as follows:

> "48. We do not understand Gilbart J to have suggested that it is impermissible as a matter of law for a judge who is tasked with assessing a claimed religious conversion to consider anything other than whether the individual is an active participant in the church. That he did not intend to suggest as much is clear, in our judgment, from the final sentence which we have underlined. Insofar as this paragraph is relied upon by representatives in support of a submission that active participation in church activities suffices, without more, to demonstrate the truthfulness of a conversion, we do not consider that to be the position. On the contrary, it is entirely permissible for a judge in a case of this nature to turn his mind to a whole range of additional considerations, including not least the timing

> of the conversion, the individual's knowledge of the faith, and the opinions of other members of the congregation as to the genuineness of the conversion.
>
> 49. We are conscious that the opinions we have expressed above are *obiter* but we consider it necessary to express them, since it is the experience of both members of this Tribunal that TF & MA and R (SA) v SSHD are frequently cited in cases of this nature."

44. A general point from those cases above and from the opinion of the Court as delivered by Lord Glennie in *TF and MA* is that in these cases, as in all others, the fact-finder considers the evidence as a whole, which includes the opinion evidence from the church.

45. As the Inner House makes clear, the weight to be attached to the evidence will be a matter for the individual fact-finding judge. There may be enquiries into the extent to which the person giving the opinion is able to show that his or her opinion should be accepted; and, in any event, the opinion evidence needs to be set in the context of all the evidence in the case, to be considered as a whole.

46. There is nothing in the opinion of the Inner House in *TF and MA* to cast any doubt at all upon the general principle that it is for an appellant to establish his case and for the First-tier Tribunal Judge to assess it. It is not for the Secretary of State to disprove the case; nor is the fact-finding process delegated to witnesses, however well qualified.

47. Mr Mozham sought to rely upon the recent decision of *PS (Christianity - risk) Iran CG* [2020] UKUT 46 (IAC) the Upper Tribunal gave country guidance relating to Christians in Iran and therefore its relevance to this appeal is by way of general points made. At [10] it was stated:

> "10. That leads to our second point: what we mean by 'Christian convert'. It is not possible to make windows into men's souls. Whether someone is, or is not, a Christian is a matter of fact that is impossible to objectively verify. For example, an individual may pay very little attention to scripture or sermon but might fervently believe that Jesus Christ is the son of God; Christians with a long-held and deep belief can still face a crisis of faith at any given moment. It is no doubt for that reason that the Tribunal in Ali Dorodian v Secretary of State for the Home Department (01/TH/1537) preferred to focus on the externally observable: "as we have said, it is church membership rather than mere belief, which may lead to risk". This difficulty means that in this jurisdiction decision makers must rely largely on the observations of others to determine whether someone is, or is not, a 'genuine' Christian. A further complexity arises. There is no doubt for many a path to wholehearted belief, with gradations marked by life events and a deepening understanding. At what point along that path an individual might become a 'Christian' is not clearly signposted. There is certainly no theological consensus on the matter; baptism is an indicator, but it should not be regarded as determinative. The terminology used in this decision must therefore be read with that caveat in mind. For our

> purposes we are primarily concerned with those whom the Iranian state regard as 'Christians'."

48. Drawing together that jurisprudence the FtTJ's approach to the evidence was consistent with it. When assessing the factual claim, the judge took into account a number of considerations which included the timing of the conversion, the circumstances of this at [72] where the appellant attended a café which hosted refugees and where the appellant then volunteered and following this made a "public declaration of his conversion to Christianity" in October 2015. The judge found that he had attended Sunday worship [72] and the judge also took into account his knowledge of the faith (at [76]) and also took account of the evidence of the Reverend at [72 – 73], evidence relevant to the expression of his faith at [77] and his lack of evangelising [78 – 79]. As the decision in *MH* (as cited above) sets out, a judge is entitled to turn his mind to a whole range of considerations other than church attendance including the timing of conversion and the individual's knowledge of the faith alongside opinions of members of the congregation..

49. I am also satisfied that the judge did not fall into error in the way that Mr Mozham submits by reference to the decision in *TF and MA*. This concerns the approach in circumstances where the judge has found that the appellant is not telling the truth in relation as to past persecution. As Lord Glennie points out, the mere fact that somebody is not telling the truth in one part of his evidence does not necessarily mean that he is not telling the truth in another part of his evidence. Equally, it does not mean that he <u>is</u> telling the truth in the other part of his evidence. If a person's evidence is disbelieved, that does not of itself mean that there is evidence to the contrary effect. It is a matter of putting all things in the balance and looking at everything "in the round".

50. Whilst the FtTJ did make reference to having found the appellant to be "wholly incredible in his claims of past persecution" (at [79]), and that the judge found that it was "entirely possible that the appellant may pull the wool over the Reverend's eyes" the judge considered a number of other factors. Contrary to the grounds the judge did not reject the Reverend's evidence solely on the basis of the appellant's lack of credibility in relation to his claimed past persecution but for reasons referable to the evidence given by the Reverend himself. The judge made a finding that the Reverend had given evidence in good faith (at [74]) but the evidence had to be seen in the context that the Reverend had no experience of supporting asylum seekers seeking protection on account of their conversion to Christianity. The judge took into account his evidence set out at [73] in this regard. At [75] the judge found that the Reverend's lack of experience meant that he was much less likely to be able to distinguish between a genuine conversion and a non-genuine conversion. This was a permissible consideration are set out at paragraph 59 of *TF and MA* where it is said it is legitimate to question objectivity and that there might be an element of "wishful thinking" given the evangelical nature of the particular church.

51. Furthermore, the judge was entitled consider the evidence of the Reverend in the light of the other evidence before the tribunal. The Reverend's evidence was that he made a public declaration of his conversion in October 2000 12 months of completing a course for his baptism in 2016 and that he continued to attend church. At [76] the judge found that the appellant's knowledge of his claimed faith was inconsistent with that evidence given by the Reverend and that despite having completed a course of 12 months in 2016 and having regularly attended church, when he was interviewed a date some three years after his baptism, the appellant was unable to answer basic questions regarding his faith in his interviews which took place in 2019.

52. Whilst the grounds assert that the judge did not set out the evidence referred to at [76] where the judge found that it was "plain from the substantive interview that the appellant was struggling to articulate a basic knowledge of his claim faith" (this is some three years after his baptism) the evidence the judge relied upon was set out not only in the questions in the substantive interviews but also detailed in the decision letter at paragraphs 80 – 88. This included not being able to consistently state the denomination of church that he followed (Q166 interview one and Q 38 – 40 interview two), it was unable to give evidence concerning Christian celebrations and baptism (question 195 – 199) and when asked what courses he did before his baptism he was not able to provide a proper response (see question 54).

53. The judge also identified further inconsistencies in his account which related to his faith at [77] and at [78] the judge made his omnibus finding that he was not satisfied that the appellant was a genuine convert from Islam to Christianity. In the alternative the judge considered the claim to have evangelised but having considered the evidence of the Reverend which referred to him manning a food store and distributing leaflets, the judge found that that was not sufficient to constitute evangelising "in the sense that he engages with the public regarding his faith". The judge went on to find "I find the appellant's relationship the church stems from an act of kindness by the church offer the appellant and other persons in his position a hot meal. I find that the appellant has since volunteered at the café and extended his voluntary work to include manning the food store. I find that this is not in any way an indication of the strength of his faith nor as an indication that he will manifest his faith by evangelising." Those were findings open to the FtT to make.

54. The question whether the decision contains a material error of law is not whether another Judge could have reached the opposite conclusion but whether this Judge reached a conclusion by appropriately directing himself as to the relevant law and assessing the evidence on a rational and lawful basis. For the reasons set out above, I am not satisfied that the grounds demonstrate an error of law in the decision of the FtTJ.

55. In this appeal the judge had the advantage of considering all the evidence in the case and had the advantage of hearing the oral evidence before the Tribunal,

which include both the appellant and the Reverend. In the well-known case of Piglowska v Piglowski [1999] UKHL 27, Lord Hoffmann said this:

> "... the appellate court must bear in mind the advantage which the first instance judge had in seeing the parties and the other witnesses. This is well understood on questions of credibility and findings of primary fact. But it goes further than that. It applies also to the judge's evaluation of those facts. ..."

56. Furthermore, as the Supreme Court stated in Henderson v Foxworth Investments Ltd [2014] UKSC 41; [2014] 1 WLR 2600 at [62]:

> "It does not matter, with whatever degree of certainty, that the appellate court considers that it would have reached a different conclusion. What matters is whether the decision under appeal is one that no reasonable judge could have reached.

57. For those reasons, I am satisfied that it has not been demonstrated that the decision of the FtTJ did involve the making of an error on a point of law and that the decision should stand.

Notice of Decision

The decision of the First-tier Tribunal did not involve the making of an error on a point of law and therefore the decision of the FtT shall stand.

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. 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 *Upper Tribunal Judge Reeds*

Dated 5 November 2020

NOTIFICATION OF APPEAL RIGHTS

1. A person seeking permission to appeal against this decision must make a written application to the Upper Tribunal. Any such application must be received by the Upper Tribunal within the appropriate period after this decision was sent to the person making the application. The appropriate period varies, as follows, according to the location of the individual and the way in which the Upper Tribunal's decision was sent.

2. Where the person who appealed to the First-tier Tribunal is in the United Kingdom at the time that the application for permission to appeal is made, and is not in detention under the

Immigration Acts, the appropriate period is 12 working days (10 working days, if the notice of decision is sent electronically).

3. Where the person making the application is in detention under the Immigration Acts, the appropriate period is 7 working days (5 working days if the notice of decision is sent electronically).

4. Where the person who appealed to the First-tier Tribunal is outside the United Kingdom at the time that the application for permission to appeal is made, the appropriate period is 38 days (10 working days, if the notice of decision is sent electronically).

5. A "working day" means any day except a Saturday or a Sunday, Christmas Day, Good Friday, or a bank holiday.

6. The date when the decision is "sent' is that appearing on the covering letter or covering email.