



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

Appeal Number: AA/06036/2013

**THE IMMIGRATION ACTS**

**Heard at Bradford**

**Determination  
Promulgated**

**On 15<sup>th</sup> November 2013**

**Before**

**UPPER TRIBUNAL JUDGE D E TAYLOR**

**Between**

**ALI AHMED RAZAY**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: No attendance

For the Respondent: Mr M Diwnycz

**DETERMINATION AND REASONS**

1. This is the Appellant's appeal against the decision of Judge Myers made following a hearing at Bradford on 25<sup>th</sup> July 2013. He was granted permission by Judge Ford on 28<sup>th</sup> August 2013. On 16<sup>th</sup> October 2013 Upper Tribunal Judge Reeds set aside the decision and her reasons for doing so are appended to this determination.

2. The Appellant was properly served with notice of hearing but did not attend. His representatives advised the Tribunal on 4<sup>th</sup> November 2013 that they no longer act for him.
3. Mr Diwnycz submitted that the appeal ought to be dismissed for the reasons outlined in the Reasons for Refusal Letter. He also produced a printout of a request from the Appellant made on 14<sup>th</sup> November 2013 for assistance in returning to Iran.

### **Findings and Conclusions**

4. It was accepted by the Respondent that the Appellant was a national of Iran.
5. The claim is that his father was a supporter of Kurdish opposition groups and made payments to them, and in that activity was supported by the Appellant. As a consequence he and his family were arrested by the Iranian authorities. He claims to have been tortured. The following day he visited a military hospital to see his mother and an officer refused to allow him access. The Appellant assaulted him and arrangements were made for him to flee Iran.
6. In support of his claim he adduced a medical report produced when he was being detained at Harmondsworth. The doctor had concerns that the Appellant might have been the victim of torture and he recorded the Appellant's claim that he had been beaten and given electric shocks. The doctor noted a 1.2cm roughly healed scar on the Appellant's thigh which looked consistent with his story of having been stabbed there. The doctor said that the Appellant became visibly upset, tense and tearful on relating his story and he had no reason to doubt what he said.
7. The medical report is supportive of the claim to a limited extent, but the existence of the scar does not establish how the scar was caused. The fact that the Appellant was upset when recounting his experiences again could have multiple causes.
8. The Secretary of State sets out a number of reasons for disbelieving the Appellant's claim in the Reasons for Refusal Letter. There were a considerable number of discrepancies in his account. For example, the Appellant said that his father did not trust his son sufficiently to tell him about his political activities, but on the other hand was prepared to involve him in the actual payments to the groups. The Appellant's claim that the family were supporters of the Kurdish opposition groups and had political literature in the house and held meetings there was inconsistent with the claim that they were reluctant to involve the Appellant in their activities.
9. There were also inconsistencies as to when the Appellant became aware of the payments being made and clear discrepancies in the dates as to when he was arrested. The Appellant's account of his escape from the military hospital and the authorities' failure to arrest him was inconsistent with the available country information, and his account of escaping with his uncle and the attempt to ambush him by the authorities was frankly bizarre.
10. The Appellant has not chosen to attend court to address any of the concerns made in the Reasons for Refusal Letter and indeed has indicated that he wishes to return home.

11. It is for the Appellant to establish the truth, albeit to a low standard of proof, to the events upon which he wishes to rely. His lack of interest in pursuing the appeal and in particular his decision not to attend the Tribunal makes it more difficult for him to prove his case. Clearly of course his stated intention to return home is strongly indicative that he has no well-founded fear of persecution there.

**Decision**

The decision of the judge has been set aside. It is remade as follows. The Appellant's appeal is dismissed.

Signed

Date

Upper Tribunal Judge Taylor