IAC-FH-NL-V1

Upper Tribunal
(Immigration and Asylum Chamber) Appeal Number: AA/01350/2014

THE IMMIGRATION ACTS

Heard at Field House	**Determination Promulgated**
On 4 July 2014 & 2 September 2014	**On 11 November 2014**

Before

UPPER TRIBUNAL JUDGE CRAIG

Between

S A

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:
For the Appellant: Mr V Gayle, Solicitor, of Elder Rahimi Solicitors (London)
For the Respondent: Ms J Isherwood, Home Office Presenting Officer

DETERMINATION AND REASONS

1. The appellant, who was born on 11 September 1980, is a national of Iran. She claims to have arrived in the UK on or about 18 November 2013, having travelled via Turkey in a lorry, and she presented herself to the authorities claiming asylum. She was given an appointment letter to return on 2 December 2013 when she formally claimed asylum. Her screening interview was on that date and she was subsequently interviewed more fully on 22 January 2014, by which time she was legally represented.

2. Following consideration by the respondent, the appellant's claim was refused on 12 February 2014. The decision to refuse to grant the appellant asylum was made on that date, although the refusal letter is dated two days earlier on 10 February 2014.

3. The appellant appealed against this decision and her appeal was considered by First-tier Tribunal Judge G A Black, in a hearing at Taylor House on 31 March 2014, but in a determination prepared on 2 April 2014 and promulgated shortly thereafter (it was signed on 4 April 2014) Judge Black dismissed the appellant's appeal on all grounds.

4. The appellant now appeals against this decision, pursuant to permission granted by Designated First-tier Tribunal Judge French on 2 May 2014. Judge French set out his reasons for granting permission to appeal as follows:

> "1. The appellant applies in time for permission to appeal the decision of First-tier Tribunal Judge G A Black to dismiss on asylum, humanitarian protection and human rights grounds her appeal against removal to Iran. The appellant claimed to have suffered domestic violence and, having left her husband, now to be at risk for 'honour' reasons.
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> 2. It is alleged in the grounds that the judge erred in various respects in her assessment of the evidence and in the adequacy of reasons given. Several examples were given, such as the judge relying on a comment made at the screening interview which was arguably misinterpreted in dates (which bore apparent inconsistencies) being recorded in the western calendar whereas the appellant had given them in the Iranian calendar and they appeared to have been transposed by an interpreter from Iraq, unfamiliar with the Iranian system. It is also said that the judge erred in referring on two occasions to the appellant being from Iraq, which may be merely a typographical error.
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> 3. The reasons challenged may not be easy to sustain and the judge had the opportunity to hear and assess evidence from the appellant. However I am persuaded that for the reasons given there may have been arguable errors of law in the determination, in particular given the importance of giving clear reasons for not believing an appellant, as emphasised in *MM (duty to give reasons) Pakistan* [2013] UKUT 00641 (IAC). Permission is accordingly granted on all grounds."

The Appellant's Case

5. The appellant's case is set out in her witness statement dated 20 March 2014, which was prepared for the hearing before the First-tier Tribunal. It can be summarised relatively briefly. She arrived in this country on 18 November 2013 (as set out above) and immediately claimed asylum. She had some difficulties in both her screening and asylum interviews because the interpreters provided were from Iraq and not Iran and so they did not understand her entirely. Also a lot of the dates were wrongly recorded. It

is claimed in the witness statement that "the interpreters appeared to have guessed the number of months since events took place".

6. The appellant was in an abusive marriage and was also raped during her journey to the UK which led to her being traumatised. For this reason she found it difficult to concentrate when she was asked to give details of her reasons why she had fled from Iran. She was also under emotional pressure because she had been separated from her daughter for almost a year.

7. The appellant was now pregnant following her rape and if returned to Iran would return as someone who had dishonoured her family by being divorced and becoming pregnant out of wedlock. She is from a traditional Kurdish Sunni Muslim family in which women have always been treated badly. One of her brothers had killed his wife and one of her uncles had killed his daughter, "all in the name of 'honour'".

8. Her parents are divorced and her father was abusive. Her mother was only able to obtain a divorce because her father "was strong enough to arrange a divorce in order to protect my mother".

9. She had an arranged marriage in 2001, and did not have any major problems for the first couple of years until her daughter was born but then her husband became very abusive and used to beat her, sometimes very seriously. She also suffered abuse from her sister-in-law and mother-in-law.

10. The appellant's husband's abusive behaviour continued when they moved out of the family home and on some occasions she required medical treatment for the injuries inflicted. Her husband also brought other women into the home and had sex with them.

11. The appellant left the matrimonial home and fled to stay with her mother and remained in hiding there for a few months. Although her father was "furious that I had left my husband" he did not know where she was but was determined to punish her for dishonouring him. She managed to get a divorce from her husband while she was with her mother and her husband had not attended the court hearings although he had been summoned to appear. Her father was so angry at what she had done that it was obvious that her life would be in danger if she remained in Iran (given her family's history of killing women).

12. Accordingly she travelled elsewhere within Iran to stay with a cousin, found an agent and arranged her escape. She was smuggled over the border into Turkey in "late Shahrivar 1392" which is mid September 2013. She spent various periods in different locations within Turkey supposedly with other women in "safe" houses but the houses were not safe and she was sexually abused by the agents. Within her statement at paragraph 15, the appellant claims to have been raped "three times". (In answer to Q113 in her main asylum interview the appellant had said that "I have been raped 2-3 times on the way when I came").

13. At paragraph 17 of her statement the appellant stated that she did not realise she was pregnant until she had been in the UK "for about a month" and that she was "devastated". I note that this would be around the middle of December, although again in answer to Q113 of the main asylum interview she had said that she had been taken to a doctor by the man she was staying with because she became sensitive of the smell and "after investigation I was told that I am twelve weeks pregnant". This would seem to tie up with when she went to Kings College Hospital (said in the hospital record to be not because of not being able to stand the smell of cooking but because she had had a fall) which was on 5 January 2014.

14. The appellant in her statement deals with matters raised within the refusal letter and at paragraph 23 she accepts that "some of what I am alleged to have said [in her interviews] does not make sense". She says that this is because there were "problems with the interpretation" and that the interpreter "mistranslated a lot of what of what I said" although she also accepts that her traumatic condition "may have caused me to make some minor mistake". However, at paragraph 24 she denies in terms stating that she had left her husband one year and four months before coming to the UK and also claims that she did not state that she had seen her ex-husband and daughter "a month earlier in Iran". Nor did she state that she had left Iran "one month prior to my arrival in the UK" but had always stated that she had "left in Shahrivar 1392 (Aug/Sept 2013)". She claims at paragraph 26 that "the Home Office interpreter could not compare dates, so simply guessed" and complained that she "should not suffer due to the inadequacy of the interpretation".

15. At paragraph 27 of her witness statement the appellant refers to her answers to Q117 and 118 of her asylum interview in which she had explained the apparent discrepancy between saying that she had gone to hospital because she could not stand the smell of cooking and the hospital recording that she had said she had fallen down the stairs by saying that she had fallen down the stairs because she could not eat anything. She felt that the bleeding she had when she had fallen down the stairs was because of her period which was why she had not realised she was pregnant.

16. At paragraph 28 she asserts that there is no support network available to her in Iran that could protect her against honour killing and because she was pregnant out of wedlock she had brought even more dishonour on her family and as a single woman she would be found wherever she went. The fact that she had been raped would be no defence because women who are raped in Iran are accused of adultery.

The Findings of the First-tier Tribunal

17. Essentially the judge did not accept the appellant's core account. At paragraph 16 having heard evidence from the appellant the judge "did not find her to be a credible witness" and further she "was not satisfied that the account given of her domestic abuse and pregnancy by rape and divorce from her husband were credible". The judge referred to a number

of inconsistencies (in particular with regard to the relevant dates of events of significance as outlined in the reasons for refusal). The judge did not accept the appellant's explanation that the reason for these discrepancies was because of interpreter errors, in particular because she had "made no attempt to draw attention to any inaccuracies in the interview either at the end of the interview, during the interview or in the period after the interview". The judge noted that the first time this issue was raised was in the appellant's witness statement.

18. The judge noted that appellant's account of domestic abuse was "generalised" and also "there was no evidence of the medical treatment that she claimed to have obtained in Iraq". In this regard, the judge accepted that corroborative evidence is "not a necessity" but nonetheless as the appellant had indicated that she had received treatment "it would have been reasonable to expect her to have been able to produce some form of medical evidence in support". The judge also did not find her evidence that she had been raped on three occasions whilst in Turkey en route to the United Kingdom to be credible and also place weight on the letter from the Kings College Hospital dated 5 January 2014 in which it was stated that the appellant had presented at hospital "in fear of miscarriage". The judge did not accept that the appellant did not know she was pregnant at that time and in this regard noted that there was no record of her informing the hospital staff that she had been raped nor that she was unaware of the pregnancy. The judge also noted that although the appellant claimed that she had obtained a divorce while living with her mother in Iran the divorce certificate was dated August 2013. Also, in light of the appellant's claim to have been present at court to obtain the divorce "it is reasonable therefore that she would have travelled to the UK with at least a copy of the divorce certificate with her" as it is "clearly ....a significant piece of evidence in the context of her claim". Further, the judge notes the lack of any reference to any allegation of rape in the appellant's screening interview and also that in that interview she states that "formally I have not separated from him" which was inconsistent with her account that she had obtained her divorce before leaving Iran.

19. At paragraph 19 of her determination, the judge notes that the appellant's evidence as to the date she left Iraq was inconsistent. In evidence she had stated it was 8 August 2013 "whereas in her screening interview she indicated it was in or about November 2013". I should note at this stage that I checked the Record of Proceedings and the judge did record the appellant's answer as being 8 August 2013 although Mr Gayle who appeared for the appellant before the First-tier Tribunal as well as before this Tribunal told me that in his note this answer was recorded as being the end of August and it was clarified that this was the equivalent of the date in the Persian calendar which might in fact have taken this into September. Whether or not this is correct, Mr Gayle did concede that there was an inconsistency of at least a month in the dates given.

20. The judge referred to other inconsistencies in the evidence, such as regarding the dates when the appellant had left her husband and when

her problems with him had started. She also noted the lack of any independent evidence to support the appellant's claim there had been at least two honour killings conducted by family members towards women in her family.

21. In light of the overall findings having considered the evidence in the round, in accordance with the principles in *Tanveer Ahmed*, the judge was unable to place much weight on the divorce certificate which had been translated and submitted in support of the appellant's claim.

Grounds of Appeal

22. It is asserted first that "there are a variety of material flaws" in the judge's analysis of the evidence when making the adverse credibility findings. In the first place, it is claimed that the appellant had indeed given a detailed account of some of the attacks that took place, so that the judge's finding that she had only given a "generalised" account of the abuse she had suffered (at paragraph 17 of the determination) was not sustainable. More fundamentally, it is asserted that the judge had failed to take account of the effect the abuse she had suffered had had on the appellant, in particular her statement that she had been traumatised both by having spent most of her adult life in an abusive marriage and also having been raped during her journey to the UK.

23. Complaint is made of the judge's finding that corroborative medical evidence should have been provided, in particular because domestic abuse was considered a private issue in the Kurdish regions of Iran.

24. It is then said that the judge should not have placed weight on the appellant's failure to mention the rape previously or on her having previously been unaware that she was pregnant. It is claimed that the judge should have acknowledged that the appellant had attended the hospital as an emergency and did not have an interpreter. Also a hospital examination summary "does not provide a full case history".

25. It is then claimed that in fact there was not an inconsistency in relation to the divorce document which had been provided, and that the judge should not have considered it "reasonable" for the appellant to have brought at least a copy of that document with her to the UK. The judge ought to have taken into consideration that the appellant had fled Iran in fear of her life, that this was not a planned journey but was perilous and there had been no time for her to collect and pack all the evidence that might be helpful to her once she arrived in a safe country.

26. It is also asserted that it was unreasonable to place weight on the appellant's failure to mention at her screening interview that she had been raped by agents during her journey. Claimants were not expected to provide full details of their reasons for claiming asylum at their screening interviews. Also the appellant was unaware that she was pregnant as a result of the rape at the time of that interview.

27. It is then asserted that the judge had based her adverse credibility finding partly on an alleged discrepancy in the appellant's evidence relating to whether she was divorced or separated, but this was unfair because the word used to describe "separation" and "divorce" is the same in Kurdish Sorani (as clarified by the court interpreter).

28. The grounds then suggest that it is shown within the determination that the judge had not exercised "the most careful and anxious scrutiny in her consideration of this appeal" because she referred at paragraph 18 to there being a sufficiency of protection within **Iraq** whereas in fact the appellant is from Iran. It is also submitted in this regard that there was a wealth of countervailing objective evidence that the Iranian authorities in fact do not provide sufficiency of protection for victims of domestic violence.

29. It is then suggested that the judge failed to give reasons for rejecting the appellant's explanation for the inconsistencies, which was that they were as a result of errors of interpretation, because the interpreters "appear to have guessed the number of months since events took place". Also, the judge should not have placed "an unreasonable evidential burden upon the appellant" by taking account of her failure to provide independent evidence confirming two honour killings by close family members.

30. Also, as the adverse credibility findings which she made were flawed, the judge should not have rejected the divorce document relying on the principles in *Tanveer Ahmed*.

The Hearing

31. On 4 July 2014, I heard submissions from Mr Gayle on behalf of the appellant, in which he expanded on the submissions contained within his skeleton argument which he had prepared for the hearing. Due to lack of court time, it was not possible to conclude the hearing on that date, but before the resumed hearing, on 2 September 2014, Ms Isherwood also prepared written submissions, and she addressed the Tribunal on that date, when she expanded upon the submissions contained in that document. Mr Gayle then replied, and addressed some of the matters contained within the respondent's submissions. I should state at this stage that I am grateful to both representatives for the clear and precise manner in which their respective arguments were presented to the Tribunal both in writing and orally. They have been of enormous assistance.

32. Because the written arguments are contained within the file and the oral submissions were recorded contemporaneously and are contained in the Record of Proceedings, I shall not set out below everything which was said to me during the course of the hearings, but shall refer only to such of the arguments as are necessary for the purposes of this determination. However, I have taken full account of everything which was said to me, as well as to all the documents contained within the file, before reaching my decision, whether or not the same is specifically referred to below.

33. Although this was not his only point, Mr Gayle's main submission was that the adverse credibility findings are unsafe because the judge failed to give due regard to the fact that this appellant was a vulnerable witness. On her own account, she had suffered years of abuse at the hands of her husband and had also been raped and it was clear that although there were inconsistencies within the account she had given, these could be explained by reason of the traumatic events she had suffered. Mr Gayle began his submissions by setting out the submission in the following terms:

> "Given the nature of the appellant's case, the judge ought to have exercised extra special care when assessing the evidence from the appellant, given that she is a victim (or this is her claim) of domestic violence and sexual assault."

34. The judge had also placed too much weight on the inconsistencies as to dates given the explanation which had been provided. Although some of her evidence had been generalised, in some places, for example in answer to Q63 of her asylum interview, her answers were more detailed and could not properly be categorised as generalised. With regard to the answer given by the appellant at 2.1 of her screening interview, which took place on 2 December 2013 (that she had left Iran "approximately one month ago") it was submitted that the judge had "placed too much weight" on this answer. It was said that this was because the appellant had made it clear that there were problems with the interpretation of the screening interview.

35. In answer to a question from the Tribunal as to whether if the appellant's child with whom she was pregnant had not been conceived in rape after she had left Iran her case would not be credible, Mr Gayle conceded that this was so, but it was her case that the child with whom she was pregnant had been conceived during a rape after she had left Iran.

36. It is because the appellant's evidence before the First –tier Tribunal was that she had had no contact with her husband for some months before she had left Iran (and it is not suggested that in this period she had any sexual contact with anyone else), that if the child was not conceived in rape after the appellant had left Iran, her case was not credible. Mr Gayle accepted that the medical evidence is that the child which the appellant was expecting, and which she claimed to have been conceived in Turkey as result of rape, was conceived around 12 October 2013. In answer to a question from the Tribunal, Mr Gayle suggested that the answer said to have been given in the screening interview, that the appellant had left Iran around a month before the interview, which would be 2 November 2014 had been wrongly recorded because the interpreter was from Iraq rather than Iran and therefore made a number of mistakes as to dates. This is a matter which will be discussed below.

37. Mr Gayle argued that it was not reasonable for the judge to have relied on the summary in the medical report in support of her finding that the appellant had not been raped.

38. There was some discussion as to whether or not the appellant had claimed to have been "divorced" rather than "separated" and also as to whether or not there was sufficiency of protection within Pakistan for those at risk of honour killings. The point which Mr Gayle submitted was his strongest was that the judge's view of what the appellant had said in her screening interview had tainted her consideration of the rest of the evidence, and that she should have accepted that there had been problems relating to the interpreter. The appellant had given an explanation for what was in the screening interview, which was that the interpreter got the dates wrong and had made them up because he could not accurately translate or convert the dates she gave.

39. The respondent's response to the appellant's arguments is set out in some detail in the respondent's written submissions which had been settled with great care by Ms Isherwood. It is not necessary to set out these submissions in detail. What Ms Isherwood has been able to show, with forensic attention to detail, is the very large number of inconsistencies in the evidence given by and on behalf of the appellant, some of which will be discussed below. Essentially, the respondent's case is that in light of the inconsistencies, to which the judge had regard, she was entitled to reach the adverse credibility findings she did.

Discussion

40. I am entirely satisfied that that the judge was entitled to conclude on the evidence before her that the appellant's claim was indeed riddled with inconsistencies. Some of these inconsistencies are relied upon by the judge in her determination, particularly at paragraphs 16 and 19. For example, she gave inconsistent evidence as to when she left Iran. In evidence she claimed it was 8 August 2013, but in her screening interview (at 2.1) she said it had been a month before the interview, which would place the date at the beginning of November 2013. The dates on which she claimed to have left her husband and the dates when she left Iran were not consistent, and nor were the accounts she gave of when problems had first begun with her husband. As the judge noted, she gave contradictory evidence at one time stating that the problems started with her husband soon after her daughter had been born but on another occasion that the first few years of her marriage had been "ok" and the abuse had started two or three years after the birth of her daughter.

41. Although, as I pointed out during the hearing, it might be arguable that the judge's finding at paragraph 17 that the appellant's account as to the domestic abuse she had suffered was "generalised" could have been better phrased, because although her original answer to questions concerning this abuse were generalised, she did give some details in answer to questions 63 and 64 of her main asylum interview, the judge was entitled to consider whether or not the answers given were sufficiently detailed to be credible, and the challenge to this aspect of the determination is effectively a challenge to findings which were open to the judge.

42. Although a court or Tribunal must always be aware that the evidence of witnesses who claim to have suffered the traumatic ordeal of rape must be treated with sensitivity, as must be the evidence of witnesses who claim to have suffered abuse, nonetheless in the context of the evidence generally in this case, when considering all the evidence in the round in light of the other inconsistencies referred to in the determination, the judge was entitled to take account of the apparent inconsistency between the record made by Kings College Hospital and the case which the appellant was now presenting. She claimed that she had not known that she was pregnant at the time she visited the hospital, but the hospital had recorded that she had presented "in fear of miscarriage". While that apparent inconsistency could possibly on its own be capable of explanation (the explanation tendered is that the report from the hospital could be understood as meaning this was the symptom which was shown rather than that this had been given as the reason for her attending), this evidence cannot be seen in isolation. Viewed with the other inconsistencies, it is yet a further example of what appears to be inconsistency between the case the appellant was putting before the Tribunal and what she had told others, in this case the hospital, earlier. Although individual pieces of evidence which on first examination appear to damage an applicant's credibility might be capable of explanation, where there are a number of pieces of evidence which all require explanation, an applicant's task becomes harder. That is why Tribunals consider evidence in the round. It is the function of a judge to assess all the evidence in light of the explanations offered, and that is what the judge did in this case. The judge was also entitled to take account of the fact (albeit again that on its own this would not necessarily be conclusive) that the appellant's claim that she was raped in Turkey after leaving Iran was not made until a very late stage in these proceedings and that her accounts have not been consistent. Nothing was apparently said to the hospital or staff working there to indicate that she had been raped, and nor was any record made that she had said she had been unaware of the pregnancy, as she now claims.

43. With regard to the explanation offered by the appellant as to why there were so many inconsistencies within her evidence regarding dates, which is that these were all as a result of interpreter error, Ms Isherwood has highlighted within her written submissions the number of occasions within her statement the appellant has claimed that the inconsistencies arose because of mistakes made by the interpreter (including using the wrong calendar) (see paragraph 8 of the respondent's written submissions).

44. The judge was aware of this explanation but was entitled to take account of the fact (again, considering the evidence in the round) that the concerns with regard to possible interpreter errors were also only raised very late in these proceedings. Complaints were not raised during the screening interview and the appellant signed a record of this interview in which it was stated among other matters that she was fit and well, that she understood the interpreter and that she understood all the questions and had received a copy of the interview.

45. By the time the substantive asylum interview took place (22 January 2014) the appellant was legally represented by a solicitor, and following that interview (which was again signed throughout declaring that the information was correct and complete) the appellant had a further opportunity to provide any comments relating to that interview. Accordingly, at this time, she could, with the assistance of her solicitor who was on the record, have queried the translation if there was anything wrong with it. In the event, it was not until the hearing that complaints were made as to the interpretation of her answers, and this was a matter which the judge was entitled to take into account.

46. Even if there might have been some errors regarding the translation of dates from one calendar to another, this cannot explain what in my judgment are the key discrepancies in the appellant's accounts. These relate to the discrepancies between her accounts of when she was raped (which has to be read in the context of her accounts of how she left Iran and when) and the medical evidence as to when her child was conceived. According to the report from Kings College Hospital, this was twelve weeks and one day prior to the examination, which took place on 5 January 2014. Twelve weeks and one day before this date was 12 October 2013; this has not been challenged and is indeed consistent with the subsequent history of the pregnancy, including further medical examinations and the eventual birth.

47. As already noted, at 2.1 of her screening interview, the appellant is recorded as having said that "I left Iran approximately one month ago". As this interview was on 2 December 2013, that would have been the beginning of November. Similarly, in her screening interview at 6.3, the appellant is recorded as having answered the question "when did you last see your spouse/partner?", "1 month ago in Iran" and at 6.5 when asked when she had last seen her children, again "1 month ago in Iran". These answers cannot be said to have been recorded as a result of an interpreter misunderstanding the dates in a calendar, because there is no reference here to dates. The only explanation apparently offered is that the interpreters (in respect of both interviews) "appear to have guessed the number of months since events took place" (see paragraph 2 of her statement) but no credible reason is suggested as to why they should have done so, other than a failure to understand the correct correspondence with each other of dates in different calendars, which cannot apply in respect of these answers. What has been recorded here is the appellant stating on each occasion that she had been in Iran until one month before the interview, without any reference to specific dates in any calendar.

48. It is the appellant's case that she left her husband and stayed with her mother for a few months before leaving Iran. She has never suggested that she had had intercourse with either her husband or anyone else in Iran in the few months before leaving that country. Accordingly, as accepted on the appellant's behalf by Mr Gayle during the hearing, this was "a difficulty". Unless one of the rapes which the appellant claims she

suffered can be dated at around 12 October 2013, her account is incapable of belief. On her account, there could be no other explanation for her pregnancy.

49. It is within this context that it is necessary also to consider both the more detailed account as to the timing of her journey contained at 2.1 of her screening interview and also the chronology which she gave at Q113 of her substantive asylum interview. At 2.1 of the screening interview she set out the chronology as follows:

> "I travelled to Turkey travelling by lorry. I arrived in Turkey after about a two week journey. At first when I arrived at Turkey I was taken to a small remote village where I stayed for 3-4 days, then I was taken to a lorry again and travelled to Istanbul. It took about 18 hours to get there. I did not see the city at all. I stayed in a home provided by an agent.
>
> I stayed in Istanbul for two days, then one day they came for us (4-5 ladies). They provided food and drinks for us and then we were taken to the lorry again.
>
> I took one lorry to the UK, I couldn't differentiate if it was a train or a boat that brought me to the UK as it was my first time and I was so frightened.
>
> I arrived in the UK and presented to the police and they sent me to this office (18/11/2013)."

50. On this timing, she would have gone on to her final journey to London from Istanbul (on one lorry) no later than three weeks after leaving Iran. What is also relevant is that she claimed not to have arrived in Turkey until about two weeks after she had left Iran. When one then considers the answer given at Q113 of the substantive interview, she says there in answer to the question as to how she got to the UK that although the other women who had been with her in Turkey agreed to have sex with the agents she did not, and when describing the first rape said that it happened "on the way" in what appears to be a reference to the journey from Turkey to London. She claimed then to have been raped 2-3 times on the way.

51. The descriptions she has given of the rapes are vague and inconsistent, but even making every possible allowance for her reluctance to recount traumatic events and her difficulty in doing so, and allowing also that the answers recorded as being given by the appellant at least three times in her screening interview (to the effect that she had not left Iran until one month before the interview) might have been an error, even if her journey had taken a month in total (as she appears to have claimed when setting out the chronology of her journey within her screening interview) given that she arrived in the UK on 18 November 2013, she still would not have left Iran before the middle of October at the earliest and the rapes on her own account did not occur until some time later. So even on the most

generous realistic interpretation of the appellant's various accounts, as given in her interviews, the discrepancy remains. On the basis of when the appellant has claimed in her interviews she left Iran, the time her journey took and when on that journey she claimed to have been raped, her child could not have been conceived by rape as early as according to the unchallenged medical evidence it was.

52. In light of this discrepancy, which goes to the core of the appellants claim, but also having regard to all the inconsistencies relied upon by the judge when reaching her findings, I cannot find that there was any material error of law in her determination. The judge's findings were open to her on the evidence and are adequately reasoned. It follows that this appeal must be dismissed.

Decision

There being no material error of law in the determination of the First-tier Tribunal, this appeal is dismissed.

Signed: Date: 5 November 2014

Upper Tribunal Judge Craig