



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

Appeal Number: AA/08756/2012

THE IMMIGRATION ACTS

**Heard at Field House
On 20 December 2013**

**Determination Sent
On 23 January 2014**

Before

UPPER TRIBUNAL JUDGE CLIVE LANE

Between

AZADEHOLSADAT HOSSEINI

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr K Gayle, instructed by Elder Rahimi Solicitors
For the Respondent: Mr Tufan, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. The appellant, Azadeholsadat Hosseini, was born on 21 July 1984 and is a female citizen of Iran. The appellant came to the United Kingdom as a student and subsequently claimed asylum on 14 December 2010. Her asylum application was refused by a decision of the respondent dated 17 January 2012. A decision was also taken to remove the appellant to Iran. The appellant appealed against that decision to the First-tier Tribunal which dismissed her appeal in December 2012. That determination was,

however, set aside by the Upper Tribunal in March 2013 and the appeal remitted for a decision to be re-made in the First-tier Tribunal. By a determination dated 19 July 2013, the First-tier Tribunal (Designated Judge Manuell) dismissed the appeal. The appellant now appeals against Judge Manuell's determination, with permission, to the Upper Tribunal.

2. Judge Manuell rejected parts of the appellant's account but he did accept that the appellant had worked for the Manoto television station (which is based in London) from October 2010 (in which year the channel began broadcasting) until January 2011. It is as a consequence of her involvement with Manoto that the appellant claims that she is now at real risk of persecution upon return to Iran.
3. The appellant had produced a video recording extract from YouTube. I did not view the YouTube extract but have read the English translation of the transcript (which appears at [69] of the appellant's bundle). The recording is entitled "When the presenter of a satellite network makes a disclosure." Reference is made in the extract to the appellant (who had worked as a news broadcaster for Manoto) and records that the appellant claimed that she had been approached by a "Persian-speaking spokesman of the US State Department" who, "on the pretext of wishing her a happy birthday" had proposed that the appellant co-operated in some way with him. The extract records that "this co-operation would be in the form of spying!"
4. The appellant asserts that the judge misunderstood the nature of the YouTube extract and the transcript when, at [29], he wrote:

As to YouTube extract (sic) produced by the appellant, even if the authorities took the trouble to locate that on the web, it contains nothing said by the appellant which is opposed to the regime.
5. The appellant further asserts that, far from the authorities "taking the trouble to locate" the extract on the internet, the YouTube clip was, in fact, broadcast in Iran on Iranian State television. Mr Tufan did not seek to dispute that assertion.
6. The first question, therefore, is whether the judge has erred so seriously in law by misunderstanding the evidence that his determination should be set aside. It was indeed that potential difficulty in the determination which was identified by Upper Tribunal Judge Perkins who, granting permission in September 2013, considered it arguable that the judge had "so misunderstood a particular strand of evidence that his conclusions are unsustainable." However, as Judge Perkins also noted, it will be necessary for the Upper Tribunal to distinguish between evidence which the appellant did not like and genuine misunderstanding on the part of the judge. It is clear that the judge described this part of the evidence incorrectly when he observed that the authorities may not encounter the evidence because they would not take "the trouble to locate it on the web"; the report was not contained in some obscure blog or website which the Iranian authorities might overlook but had actually appeared on

Iranian state television. However, whilst Judge Manuell appears to have been uncertain that the Iranian authorities would ever encounter the item he went on to find that there was nothing in it damaging to the appellant in any event. I find that, because he went on to make that additional finding, his misunderstanding of the nature of the evidence is not such that his determination is vitiated by the error. If Judge Manuell had correctly noted that the item had appeared on Iranian television, he would have still have needed to consider whether its existence posed a real risk for the appellant. I find that it was open to the judge to conclude that the news item did not contain material damaging to the appellant. The item begins with a general remark suggesting that the financial backers for the Manoto channel may be “intertwined with monarchists” but does not go on to threaten those working at Manoto or the appellant in consequence. The news item goes on to report that the appellant herself had claimed that she had been approached by the American spokesman; it is not clear why the appellant would have volunteered information which might cast her in a bad light or expose her to risk. I agree with Judge Manuell that the purpose of the disclosure by the appellant was to cast her behaviour in a favourable light; she claims that she was approached by an American and asked to become a spy but resisted the approach and refused. Significantly, the news item concludes not with an attack on Manoto or any suggestion that its employees work as spies for the Americans but rather was an attack on Mr Eyre, the American spokesman, who had allegedly approached the appellant:

... It appears that explaining the State Department’s position in the Persian language is only one of Mr Eyre’s attractive roles and that Mr Alan Eyre is also searching the internet and media organisations for spies.

7. Judge Manuell’s observation that the item “contains nothing said by the appellant which is opposed to the regime” is, in my opinion, accurate. The target of the article is not the appellant but the American who sought to recruit her.
8. Some of the references to the Manoto channel contained in the appellant’s bundle are from web news channels and blogs. There is a report on line from Reuters [C25] entitled “London TV channel dips a toe into Iranian culture war.” This report notes that the “Iranian government sometimes jams Manoto’s signals, according to viewers.” The report records that Manoto’s funding comes partly from corporate sponsorship but also venture capitalists. A researcher is quoted as saying that “Manoto broadcasts programmes that are completely against Islamic edicts, such as promoting the way the rich live.” In common with the BBC Persian network, Manoto is jammed on occasion by the Iranian authorities but because jamming is “difficult to do” this occurs only “selectively”. The news report states that Manoto “makes barbs at both Iranian and Western politicians, uses a laugh track and often receives feedback and photos from child fans.” It is described as “television for the masses” and concludes by noting that “despite the government’s efforts, the entrance of new Persian-language television outlets like Manoto has improved even

the quality of Iranian State television.” An Iranian academic working in the USA (Mahmood Enayat) concludes the report by saying, “[Manoto] has just forced everyone to produce better programming for Iranians.”

9. The Reuters Report gives a detailed and helpful overview of the activities of the Manoto channel. I consider that an article emanating from a respected news agency such as Reuters may attract more evidential weight than blogs and websites of unknown or obscure origin. I have concluded above that the Iranian news report regarding the appellant’s rejection of the offer to spy for the Americans was accurately assessed by Judge Manuell as not exposing her to a risk on return to Iran. The question remains whether the appellant’s (brief) involvement with the Manoto in the United Kingdom is likely to expose it to such risk. Judge Manuell considered the articles critical of Manoto as “examples of overblown rhetoric, part of the war of words between Iran and the west.” He noted that, “The biography of the appellant which accompanies one of the articles about Manoto makes no criticism of her at all. Articles make no promises of action or reprisals.” The judge noted that there was no evidence that those who had worked for Manoto had been threatened or, indeed, ill-treated if they had to return to Iran. I find that the Reuters Report and the other evidence indicates that, whilst the Manoto channel may be an irritant to the Iranian authorities, it is not considered by them to be a serious threat. Indeed, the Reuters’ article suggests that the Iranian state broadcasting media may have sought to imitate the popular style of Manoto and similar channels in order to make its own programmes more interesting to viewers. In that context, I consider that Judge Manuell was entitled to take the view that, even if they are aware of the appellant’s brief involvement with Manoto, the Iranian authorities will not seek to persecute or ill-treat this appellant. It was a finding which was available on the evidence and it was certainly not perverse, as the grounds of appeal submit.
10. In reaching that conclusion, I consider that it is significant (as Judge Manuell observed) that whilst the background evidence clearly indicates the Iranian authorities were aware of the activities of the Manoto channel there was no evidence of its employees being threatened or ill-treated. I accept that Judge Manuell appears to have misunderstood the provenance of the YouTube extract concerning Mr Eyre but, for the reasons I have given, his error is not such that the determination falls to be set aside. Further, the judge did not err in law by concluding that the appellant’s activities for Manoto would not expose her to a real risk of persecution either at the point of her return to Iran or whilst living in her home area of that country. Accordingly, the appeal is dismissed.

DECISION

11. This appeal is dismissed.

Signed

Date 16 January 2014

Upper Tribunal Judge Clive Lane