



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

Appeal Numbers: AA/02954/2015

THE IMMIGRATION ACTS

Heard at Bennett House, Stoke

**Decision and Reasons
Promulgated**

On 22 October 2015

On 23 October 2015

Before

UPPER TRIBUNAL JUDGE PLIMMER

Between

**AA
ANONYMITY DIRECTION MADE**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the appellant: Ms Rutherford, Counsel

For the respondent: Mr McVeety, Senior Home Office Presenting Officer

DECISION AND REASONS

Pursuant to Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 I make an anonymity order. Unless the Tribunal or a Court directs otherwise, no report of these proceedings or any form of publication thereof shall directly or indirectly identify the original appellant. This direction applies to, amongst others, all parties. Any failure to comply with this direction could give rise to contempt of court proceedings.

1. The appellant is a citizen of Iran who has made an asylum claim and I have therefore made an anonymity direction.
2. In a decision promulgated on 11 May 2015 First-tier Tribunal Judge Crawford dismissed the appellant's appeal on asylum and human rights grounds. The judge comprehensively disbelieved the appellant's claim as to what happened to him in Iran.
3. The appellant's grounds challenge the judge's findings of fact as being infected by errors of law. Permission to appeal has been granted on this basis.
4. The matter now comes before me to decide whether the decision contains a material error of law. Ms Rutherford relied upon a skeleton argument and the grounds of appeal. She made brief oral submissions, which Mr McVeety responded to. After hearing from both representatives I reserved my decision, which I now provide with reasons.
5. The decision under appeal is a detailed one. The judge has set out the evidence before him in some detail at paragraphs 19 to 23. The judge expressly referred to the appellant's supplementary April 2015 witness statement, and summarised its contents (para 20). This sought to address the SSHD's concerns regarding the credibility of the appellant's account. The judge made it clear that in reaching his credibility findings he had carefully analysed the appellant's account in the evidence before him (para 31).
6. I now turn to each of the alleged errors of law relied upon by Ms Rutherford as set out in the grounds of appeal.
7. First, in my judgment the judge was entitled to regard the description of the nature and use of the building where the appellant claimed to have worked to be inconsistent (para 31). Contrary to the submission in the grounds of appeal it is sufficiently clear from reading the decision as a whole that the judge was aware of the appellant's explanation as contained in the April 2015 statement and summarised it within the decision (para 20(iii)). I do not accept the more general submission relied upon by Ms Crawford that the judge failed to give adequate reasons for rejecting the appellant's explanations in the April 2015 statement. This is not a detailed document. The judge has summarised its contents within the decision and clearly taken it into account. The judge was entitled to in effect find that notwithstanding the explanations offered by the appellant he still regarded the evidence to be inconsistent / implausible / insufficiently explained.
8. Second, the judge was entitled to be concerned that the appellant had been inconsistent as to whether he touched a computer or not (para 32). It is claimed that this inconsistency arose due to an error on the part of the interpreter. This is difficult to follow. The appellant has not cited interpreter difficulties in this regard. No reference is made to an interpretation error in the April 2015 statement. At the hearing Ms Rutherford accepted that it was probably inaccurate to

explain this as being due to interpreter error when the appellant had simply said he did not say what is recorded in the interview transcript. As the judge noted (para 20(v)) the appellant claimed that he did not touch the computer itself but placed his hands on the table. This in itself is inconsistent with his May 2014 witness statement in which he says he merely looked at the computer.

9. Third, the judge was entitled to not be satisfied with the explanation as to how the appellant would have been seen looking at the computer screen (para 33). In his asylum interview the appellant made it clear that he did not know how they found out (Q 133) and the judge reminded himself of this (para 19).
10. Fourth, the judge was entitled to accept the SSHD's argument that the appellant implausibly failed to try to explain his situation to the authorities (para 34). The judge was well aware that his employer advised him to leave Iran and that the employer was close to the authorities. Indeed the judge refers to this evidence in some detail in the decision itself (para 22). In all the circumstances the judge was entitled to be concerned about the appellant's explanation as to why he did not try to explain himself. After all on the appellant's own account he was entirely innocent and saw nothing of any significance (see para 14 of the April 2015 statement).
11. Fifth, I entirely accept that there is no requirement of corroboration in asylum appeals. However in this case the appellant claimed that his family members had been recently questioned about him and that he was wanted by the authorities, yet the authorities made no attempt to issue an arrest warrant or summons (para 21). In these circumstances the judge was entitled to be concerned that the appellant claimed the authorities wanted to arrest him yet had not issued an arrest warrant or summons. I accept that the judge has clumsily worded paragraph 35 but I am not satisfied that this gives rise to any material error of law. It is factually correct to say that the appellant "*has produced no evidence such as a summons or arrest warrant*". Indeed the appellant did not suggest that his family members were aware that a summons or arrest warrant was issued against him. The judge was therefore not requiring the appellant to provide corroborative evidence. The judge merely commented that that the appellant produced no such independent evidence. In any event there is nothing in paragraph 35 to suggest that the judge was doing anything other than commenting on the absence of independent evidence. He did not draw adverse inferences from this.
12. I am not satisfied that Ms Rutherford has been able to demonstrate an error of law on the part of the judge in reaching his credibility findings.

Decision

13. I do not find that the decision of the First-tier Tribunal contains an error of law and I do not set it aside.

Signed:

Ms M. Plimmer
Judge of the Upper Tribunal

Date:
22 October 2015