Upper Tribunal
(Immigration and Asylum Chamber) Appeal Numbers: AA/09326/2012
AA/08293/2013

THE IMMIGRATION ACTS

Heard at: Field House
On: 23rd December 2014

Decision Promulgated
On 23rd March 2015

Before

DEPUTY UPPER TRIBUNAL JUDGE BRUCE

Between

MM
SH
(anonymity direction made)

Appellants

and

Secretary of State for the Home Department

Respondent

Representation
For the Appellant: Mr Blundell, Counsel instructed by Malik and Malik Solicitors
For the Respondent: Mr Tufan, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The Appellants are both nationals of Iran. They are respectively a mother and her adult daughter. This is the remaking of the decision in their asylum and human rights appeals[1].

[1] Both Appellants made asylum claims. Both were rejected. The decision appealed by the First Appellant is a refusal to vary her leave to remain and to remove her from the United Kingdom pursuant to s47 of the Immigration Asylum and Nationality Act 2006. It is dated the 3rd October 2012. The Second Appellant appeals a refusal to vary her leave to enter and to make directions

Background and Matters in Issue

2. The basis of both claims is that the Appellants face persecution in Iran for reasons of their membership of a particular social group. The First Appellant stated that she could not return to Iran because her violent and abusive husband had made an accusation of adultery against her. Because she is a woman she feared that the Iranian state would fail to protect her from her husband, and would in fact participate in the persecution against her. The Second Appellant came to the UK as a student in 2007. Since arriving here she has adopted customs and behaviours not considered compatible with the strict socio-religious expectations placed on women in Iran. Specifically she has entered into a sexual relationship and become pregnant. Although that pregnancy was terminated she fears that if returned to Iran she will be forced into marriage by her violent and controlling father and the fact that she is not a virgin will be revealed. There was also a risk that even outwith marriage he would force her to undergo a "virginity test" as he had done in the past.

3. The Respondent rejected both claims for want of credibility and in May 2014 the linked appeals came before Judge W. Grant of the First-tier Tribunal. In a detailed and lengthy determination[2] the appeals were dismissed. Permission was granted to the Upper Tribunal[3] and in a written decision, appended to this determination, I found the decision of the First-tier Tribunal to contain errors of law such that it should be set aside. In summary those errors were in the approach taken to the credibility of the witnesses. I found that the First-tier Tribunal had failed to assess the Appellants' account against the background of the expert evidence and information on Iran. In respect of the Second Appellant there had been a failure to consider whether her personal development, sexual relationship and pregnancy in the UK placed her at risk if returned to Iran today. Unfortunately it was not possible to preserve any of the findings of the First-tier Tribunal and this determination is therefore a *de novo* remaking of the decisions in the appeals, where the Appellants rely upon asylum and human rights grounds.

The Hearing and the Evidence

4. At the outset of the hearing Mr Tufan for the Respondent applied for an adjournment. The Presenting Officer who had conduct of the case had been unable to attend court due to a family emergency and although the case had been passed to him, he had not had an opportunity to prepare the case. I refused the adjournment. I indicated that I would give Mr Tufan as much time as he needed to prepare the case. There were, in addition to the two Appellants, two

for her removal under s47. That decision is dated the 11th June 2013.

[2] Promulgated on the 21st July 2014

[3] Permission granted on the 28th August 2014 by First-tier Tribunal Judge RA Cox

witnesses at court; one of these has restricted mobility and had made a special effort to get to the hearing. In light of this I considered an adjournment would be undesirable. Mr Tufan agreed in the circumstances to take some time – just short of two hours – to prepare the case. I am very grateful to him for so doing and for his very able cross-examination and submissions. The hearing proceeded and I heard live evidence from four witnesses: in addition to the Appellants I heard the testimony of Ms Evalena Styf, and that of Mr Sheptim Gurra. A full transcript of their evidence can be found in the Record of Proceedings and where relevant I summarise it in my findings.

5. I have taken all of that evidence into account, including that which is not specifically mentioned herein.

Burden and Standard of Proof

6. The burden of proof lies on the Appellants who must show there to be a reasonable likelihood that they are at risk in Iran for reasons of their membership of a particular social group/imputed political opinion.

My Findings

7. At the centre of this case is the claim that the Appellants are both at risk of serious harm at the hands of Mr H, husband to the First Appellant and father to the Second Appellant. It is agreed that the shared factual matrix means that the appeals 'stand and fall' together. That said, I have to start somewhere. Since chronologically the claimed persecution started against mother before daughter, I begin by setting out the matters arising in respect of the First Appellant. I emphasise that this is simply for clarity's sake: I have considered all of the evidence about each Appellant in the round.

8. In the course of her asylum claim the First Appellant claimed that her husband was a violent and controlling man who had subjected her to serious domestic violence over three decades of marriage. In her interviews with the Respondent she asserted that her marriage had been arranged by her family, as was the norm in Iran. It had been an "old fashioned"[4] relationship and he would regularly "discipline" her with violence. In her evidence before me the First Appellant said that she had not previously considered divorce because this was, simply, "her life". It had not occurred to her to leave him because there was no room for doing so within Iranian society. People, including her own family, would judge her: "they do not trust a divorced woman. She does not have a good reputation in my country". So she had put up with it. It is her case that all of that changed after she came to the UK. Her daughter her come

[4] Q50-51 Asylum Interview Record

here to study and she had been permitted to come here to "look after" their daughter. She herself was taking classes here and it was only after her husband accused her of adultery with an unidentified fellow student that she felt she had no option but to leave him and to seek asylum.

9. The Respondent's refusal letter in respect of the First Appellant is dated the 29th June 2014. It is accepted that violence against women is a "common and widespread problem" in Iran and that the law does not specifically prohibit domestic violence. The Respondent has nevertheless given several reasons for finding that the First Appellant's evidence cannot be believed[5], even to the lower standard of proof. In the First-tier Tribunal the Respondent submitted further reasons, set out in the written submissions dated 10th June 2014[6]. These reasons, adopted and amplified by Mr Tufan in his submissions, are:

   i) The First Appellant has been inconsistent in that she claimed that her family did confront her husband about his treatment of her, and at the same time asserts that they would not have supported her should she have chosen to leave him;

   ii) The First Appellant claimed to have stayed with her husband for the sake of their children, but did not try and leave him even after her children were both grown adults who had left home;

   iii) Her evidence that Iranian law would obstruct any attempt by her to divorce her husband is not supported by the country background material which indicates that divorce is possible in Iran and indeed is "skyrocketing";

   iv) The country background evidence indicates that women in Iran require their husband's permission to work or travel abroad. The Respondent finds it to be "simply inconceivable" that a violent and controlling man would give permission for his wife/daughter to work, study or to leave Iran;

   v) Similarly the evidence that the First Appellant had her own income from rental property is at odds with her claim to be under her husband's control;

   vi) The chronology in respect of the adultery accusation is inconsistent. The Appellant relies on a letter from a lawyer in Iran which describes Mr H accusing his wife of having a relationship with another man during 2012, "especially in May". Her passport shows that she was in the UK at that time so it cannot have been possible for her husband to have witnessed any adultery;

[5] Paragraphs 51-58

[6] Written submissions by Presenting Officer Mr Stefan Kotas dated 10th June 2014

vii) The First Appellant's behaviour, in remaining with her husband, and in 2012 making a trip back from the UK to Iran, is inconsistent with her claim to have been in fear of him.

10. I have taken all of these points into account. They fall into two parts. There are criticisms of the First Appellant's individual evidence, which I deal with below, but it is further the Respondent's case that the account overall is implausible: I consider that submission in my overall evaluation of the evidence.

11. In respect of the First Appellant's evidence I accept that she has an unfortunate tendency towards exaggeration, for instance claiming before the First-tier Tribunal that her "eyes were bruised all of the time", that her husband was "constantly calling her" and that she was required in the UK to contact him "every day" via the internet. The two Presenting Officers who have scrutinised this case for the Respondent have very effectively highlighted this use of such florid language in their cross-examination and submissions. I am satisfied that the First Appellant cannot plausibly have had bruised eyes for each and every day of her marriage – were that the case she would not doubt have sustained some long term damage to her eyes. Equally I am satisfied that she and her daughter did give discrepant evidence about how often they were required to speak to Mr H via Skype. I have given due weight to such difficulties in the evidence. Nevertheless I am satisfied that the core of the account has remained consistent across the witness statements, lengthy interviews and appeal hearings. I have given considerable weight to that consistency.

12. I had an opportunity to hear directly from the First Appellant myself. I found her to be a straightforward, and as I set out below, compelling witness. Perhaps wiser after the hearing before Judge Grant she was careful before me not to embellish her account and appeared more restrained in her use of language. She was calm and dignified as she tried to explain to Mr Tufan why she remained with her husband for all those years. Although he was regularly abusive he saw it as his right – it did not occur to him that she would ever try and stand up to him. For a long time it did not occur to her either. You just had to deal with it; that was how it was. Divorce for women in her position is so difficult – people would look down on you. In respect of the adultery accusation her case is that she was in London and he was in Tehran. He called her and overheard a man coughing in the classroom behind her. That was what sent him into a rage.

13. Having heard the oral evidence I realised that very little had been said about the Appellant's son. The written evidence suggested that he has been largely supportive of his father and has taken "his side" in the dispute with his mother and sister. I enquired about this and in doing so provoked an instantaneous and violent emotional

reaction in the First Appellant. She began to tell me that "he has the same character as his father" but barely got past that first sentence. At that point the First Appellant started crying uncontrollably and had to be taken out of the hearing room. She appeared completely grief stricken, and my written note reads that she could be heard "wailing" from the corridor. Her breakdown necessitated a 30 minute break in proceedings. I have no doubt that her reaction was not contrived. She had previously answered questions put to her in a careful and controlled manner. When asked about her son, she crumbled. I found this to be compelling and genuine evidence. I have no difficulty in accepting that a woman may have learned to cope with rejection and abuse from a partner, but that betrayal by her own son would be too much to bear.

14. I also had the benefit, in assessing the First Appellant's evidence, of live testimony from a Ms Evalena Styf. Ms Styf met the Appellants in the summer of 2009. She was at the time the Quality Assurance Co-ordinator for the London School of Management where the women were studying. At the time of the appeal before the First-tier Tribunal she had written a letter[7] setting out her contact, in particular with the First Appellant. She explained therein that they had first come into contact after another student had made a complaint about the First Appellant's use of her mobile phone during lessons. It was Ms Styf's role at the college to deal with such matters. The First Appellant had told her that she had to keep the phone on in case her husband called. They had resolved the matter by agreeing that she would keep the phone on silent. Ms Styf thereafter had a number of other dealings with the Appellant in her professional capacity and by February 2010 was in regular contact with her. Ms Styf describes the Appellant's phone as being a "constant problem":

> "Although she would have it on silent, she was forever checking it as if she was afraid of losing it, and it was actually annoying to me. I tried to talk to her about it, but all she said was that if her husband called she had to answer. I asked her if her husband was abusive, but she did not want to talk about it. Without [the First Appellant]'s knowledge or consent I asked her daughter, who was still taking her mother to our meetings, if her father was abusive and the look on her face told me more than any words could have conveyed".

Ms Styf's letter goes on to explain that she ended up becoming close to the First Appellant – they shared a lot in common. They both had the same interests in craft and literature and were both single mothers of grown up girls. Ms Styf is also the survivor of an abusive relationship. Perhaps it was this background that made her suspicious about the First Appellant's behaviour around her phone and in respect of her husband. She tried to give her

[7] Dated 15th May 2014

opportunities to discuss the matter but the First Appellant would just smile and keep it to herself. Their friendship grew so that when Ms Styf became increasingly disabled by arthritis the First Appellant would visit her at home. Her disclosure about her home life was limited to describing her husband as "stupid" and "foolish". In 2012 the First Appellant returned to Iran in order to visit her mother and Ms Styf took the opportunity to do further investigation:

> "While she was away I spoke to her daughter again. I lied and told her that I already knew about her father and was worried for her mother's safety. Thinking her mother had already told me everything, [the Second Appellant] opened up to me and spoke of a lifetime of mental and physical abuse. She mentioned how she had often feared for her mother's life and how she had even tried to provoke her father herself to take his attention away from [her mother]. She said it was only his pride and vanity that had made him agree to let her come to England to study accountancy. It made him look good in their community that he could afford to send his daughter off to get a good education"

The letter explains that when the First Appellant returned from Iran in early summer of 2012 she was "upset and incoherent" and that it was at that point that she opened up to Ms Styf about her husband, and his abusive behaviour.

15. This very detailed and lengthy letter had been placed before the First-tier Tribunal, but Ms Styf was not able to attend that hearing. Judge Grant had therefore placed "no weight" on the letter, going so far as to say "it is quite possible that she did not write it". The determination goes on to find, in the alternative, that the Appellants have exploited their friendship with Ms Styf to get her to write it, and that this shows the extent to which the Appellants would go to bolster their false claims.

16. I set out that background because it was these comments that prompted Ms Styf to come to the hearing before me. She suffers from serious arthritis and attended the hearing in a wheelchair. She told me that it was very difficult for her to come but she considered it important that she do so because she wanted to rebut the suggestion by Judge Grant that she had somehow been exploited by the Appellants. She said that wished it recorded that she was extremely offended by the First-tier Tribunal determination. She said "he made me feel like because I am disabled I cannot make my own decisions". She pointed out that she had known the Appellants over a long period, and that for the first three years (2009-2012) the First Appellant had never directly told her that she was married to an abusive man. It was Ms Styf who pieced it together, and drew her own inferences from the First Appellant's behaviour, for instance her obsession with her phone. Ms Styf stressed that as a professional working at a college attended almost exclusively by foreign students she is well aware of the fact that some people might seek to put forward false asylum claims.

She wished to stress however that the information about Mr H had emerged in a natural and gradual way and that it was in fact Ms Styf who in the end suggested that the women take advice about claiming asylum. Having known the Appellants since 2009 Ms Styf is in no doubt that the basis of their claim – fleeing abuse by Mr H – is entirely true.

17. I found Ms Styf to be a very impressive witness. Although she describes herself as now being a good friend to the First Appellant I am quite satisfied as to her objectivity and the truthfulness of her evidence. Her evidence serves to directly corroborate the Appellants' evidence that Mr H was frequently calling his wife from Iran and that she was expected to have her phone on at all times. It also supports the claim more generally, in that she knew that the women were experiencing a problem as long ago as 2009. I have attached considerable weight to Ms Styf's evidence.

18. I now turn to the Second Appellant's evidence. She has been in the UK since October 2007 when she was given leave to enter as a student. She has returned to Iran only once since then, for a ten day period in July 2008. The basis of her claim is that if returned to Iran today her father will force her to marry her cousin; if she refused she will be subject to serious harm. There is a danger that whether the marriage proceeds or not, her father will discover that she is no longer a virgin and that this too will place her in danger. The background to this fear is that she too was subject to controlling and violent behaviour by Mr H which led to her making two suicide attempts as a teenager.

19. In a letter dated the 7th June 2013 the Respondent sets out her reasons for refusal, subsequently amplified by the Presenting Officers who have dealt with the case:

    i) The Appellant's evidence is found to be inconsistent in that she originally described herself as "Iranian" and then at the substantive interview claimed that her father was Kurdish;

    ii) Her evidence that her father was strict and controlling is revealed not to be true by the fact that he allowed her to come to the UK to study;

    iii) Further inconsistency is found in the evidence that in 2012 he told her he hoped she would die, whilst at the same time he continued to fund her studies in the UK;

    iv) Her claim not to have a good relationship with her brother is inconsistent with the document purporting to be from him, warning her about what their father will do to her if she returns to Iran;

v) The claim of historical abuse is tainted for inconsistency, the Appellant variously claiming her earliest memory of assault was at the age of 5, then at the age of 3 or 4;

20. The Second Appellant is, like her mother, prone to hyperbole. In the written submissions for the First-tier Tribunal, PO Mr Kotas highlighted how she claimed that her mother was suffering abuse "every minute" and that it would go on "forever". Although this kind of language is not helpful to a tribunal attempting to make particular findings of fact I do not find it irreparably damaging to her case. Obviously her mother was not being beaten "every minute", but I accept that for the Second Appellant it may feel that her mother was constantly suffering abuse: if her mother was, for instance, in constant fear of physical assault, it would not be inaccurate to say that she was, "every minute" suffering the effects of that.

21. I have read the Second Appellant's witness statements, interview records and transcript of her oral testimony. There are minor discrepancies but none such that the core of the account is afflicted. I attach no weight, for instance, to her inability to say with certainty how old she was the first time she witnessed domestic violence. Nor am I concerned by her failing to mention any Kurdish heritage in her screening interview. Whether or not her father is Kurdish is a matter which appeared to assume some importance in the First-tier Tribunal hearing because an expert opinion had been obtained from Sheri Laizer, who had drawn heavily on her own experiences of being married to a Kurd. Before me Mr Tufan and Mr Blundell quite sensibly agreed that little turns on this: these accounts could be equally plausible if Mr H is ethnically Iranian and there would be little to gain by pretending he was Kurdish. Having had regard to her written and oral evidence I am satisfied that the Second Appellant has given a largely consistent account.

22. I heard oral evidence from Sheptim Gurra. Mr Gurra is an Albanian national who met the Second Appellant whilst she was studying in London. They started a relationship. In November 2009 they were "secretly married", in an Islamic ceremony. Mr Gurra was, like Ms Styf, called to give evidence about when and how he came to know about Mr H. Mr Gurra, like Ms Styf, gave straightforward and credible evidence about this matter. He said that when he first started dating the Second Appellant she would always leave very early and say that she had to be home. He became suspicious and after this had happened on several occasions confronted her and asked her if she was married "back home". She then explained for the first time that she had to be at home so that she could Skype with her Dad. Mr Gurra said that "he couldn't believe it" that she had to do this every day. He said that although he now knows some of the details about Mr H's behaviour

this was not disclosed to him easily. It took her a long time to tell him things – although he had realised from the beginning that something was wrong "she is a hard woman to break" and it took her a long time to divulge her history to him. He believes that there are a lot of details he does not know because she finds it difficult to talk about it. He confirmed that when the Second Appellant was in hospital in the UK her father called her every day. There have been times when he has sent her messages in Farsi. Mr Gurra has been with her when she has received those messages and she has become upset- she has read them out to Mr Gurra. They say things like he will kill her. At present the Second Appellant and Mr Gurra are not living together, but they continue to see each other frequently.

23. There are before me a number of documents said to emanate from Iran. The Respondent asks that I place little to no weight on any of these, for instance a letter said to be from a lawyer relating to divorce proceedings brought against the First Appellant on the grounds of adultery. Having had regard to the 'COI' report[8] that it is easy to purchase such documents in Iran I have acceded to the Respondent's request and have placed no weight on these documents. They may be perfectly genuine, but because of the Respondent's general concern about the provenance of documents of this type I am prepared to set them to one side. Of a different quality are a series of text messages contained on the Second Appellant's phone. These date from April 2013 and are said to be from her father in Iran. I need not set them all out but one example is the following from the 17th April 2013:

> "you bastard girl; the milk you drank from the hyena led you to follow the same fate as her. I hope that Almighty God kills you with cancer. I will kill you because he dishonoured me. I cannot see into your cousin's eyes, you honourless"

These are different from the other documentary evidence in that they are available to be viewed on the phone, and it can be seen that they have been sent from a number in Iran. It is of course possible that these too are "faked", and I have considered the possibility that the Second Appellant caused someone in Iran to send her these text messages in order to bolster her claim. One document that is not in issue is a confirmation that in August 2010 the Second Appellant underwent an abortion at a Marie Stopes Clinic in Norwich. Nor do I understand it to be in issue that this was a termination of a pregnancy which occurred as a result of the Second Appellant's relationship with Mr Gurra.

24. I have considered the evidence of all four witnesses in the round

[8] See for instance section 2.13 Country Information and Guidance *Iran: Background information, including actors of protection, internal relocation and illegal exit* November 2014

with the documentary and country background material. Having done so I am satisfied that the core of the claim of these two Appellants is consistent and that such discrepancies that have been identified by the Respondent are peripheral. The central submission of the Respondent is that, notwithstanding any finding of consistency, these accounts should be disregarded as implausible. It is the Respondent's case that the following propositions are inherently unlikely to be true:

i) That a man such as Mr H would allow his daughter and wife to travel to the UK/work/study;

ii) That the Second Appellant would have stayed with him for as long as she did.

25. I do not need the expert evidence of Ms Laizer to say that I find neither of these matters implausible.

26. It was Ms Styf's evidence that she can recall being told by the Second Appellant that it was a matter of "kudos" for Mr H that he send his daughter away for education. I find that to be entirely plausible. As a middle-class Iranian who could afford it, having a child educated prior to marriage would be a source of pride for Mr H. I also find it to be perfectly natural that he would agree that her mother could come with her to 'keep an eye on her'. The Respondent submits that a violent and controlling man would not allow such freedom. I find that analysis to be overly simplistic. People's lives are complex, and such their behaviour rarely "black and white". Mr H may well be a violent and controlling man behind closed doors, but to the outside world wish to portray himself as an educated, wealthy and even progressive father. It did not occur to him that either Appellant would defy him, because having very effectively constructed the boundaries within which they were expected to conform, he was confident that they would do so. There is therefore nothing implausible in him continuing to pay college fees, or having agreed to the women leaving Iran in the first place.

27. As to whether or not the First Appellant would have "put up with it so long" one only needs to have regard to the depressing statistics on domestic violence not just in Iran but in the 'liberal' West. As I pointed out to Mr Tufan at hearing, the evidence does not support the suggestion that it would be anomalous for the First Appellant to have stayed. For instance, frequently cited statistics about domestic violence are that the average British victim is assaulted 35 times before trying to leave[9], or that the average American woman subject to domestic violence will leave the home seven times before she can finally escape[10]. In the context of Iran the

[9] http://www.lwa.org.uk/understanding-abuse/statistics.htm
[10] http://www.domesticabuseshelter.org

evidence is all the more stark, since women there can have very little hope of receiving support or protection by the state, or even their own families. That this is so is not in fact a matter of dispute: see paras 23.68-23.74 of the COIR set out in the refusal letter. Women stay for a multiplicity of reasons: because of their children, out of financial necessity, out of hope that it will change, because of social and religious expectations. There is therefore nothing in the accounts before me that I find to be implausible.

28. Having considered all of that evidence in the round I am quite satisfied that all four witnesses were witnesses of truth and that the First and Second Appellants have been victims of serious and sustained violence at the hands of Mr H. I accept and find as fact that he has made accusations of adultery against his wife, and that he will want to force his daughter into an "arranged" marriage with her first cousin. Even if the adultery accusations are withdrawn I find, given the past history of this relationship, that the First Appellant will very likely face serious harm at the hands of her husband.

29. It is the Respondent's case that even if the Appellants are found to be truthful they are not refugees. The Respondent submits that the women are educated and could go and live in one of the other "huge cities" in Iran, away from Mr H. Both Appellants managed to leave Iran lawfully and that means that he must have signed an exit permit for them to leave.

30. I have considered this submission carefully. Iran is a big country and as educated women who have each other, the Appellants might be said to be well placed to be able to support each other to the extent that it would not be risky, or unduly harsh, for them to relocate within Iran. For the reasons that follow I am not satisfied that internal flight is a safe or reasonable option in this case.

    a) Both women have remained in the UK far longer than their original visas, or the exit permits that accompanied them, intended. The Second Appellant does not even have a valid passport anymore, hers having expired in 2012. There is a real risk that such irregularities in their documents will lead to questioning at port. I find there to be a real risk that during such questioning the port authorities would wish to contact Mr H, who is the women's *vali*, their legal guardian. He would therefore be immediately alerted to their return to Iran;

    b) It is the credible evidence that Mr H has lodged a case against his wife in the Iranian courts. Such a pending case would also give rise to a real risk of harm and/or the alert of Mr H to their return should the women be questioned at port, or indeed anywhere in-country about why they are living without a *vali*;

c) The fact that two women sought to live separately from a male *vali* would be likely, in the context of conservative Iranian society, be something likely to draw adverse attention – this is all the more so if one of the women (the Second Appellant) is perceived as "westernised" or "modern" by her dress and modes of behaviour. Even if they managed to get through the airport without Mr H being alerted, they would be constantly living in fear of this happening. For instance any official asking to see the Appellants' identity cards might take it upon himself to make that call.

31. The last full Country Background Information Report on Iran is dated December 2013. The position for women is summarised at paragraph 3.16.10:

> Iran is a strongly patriarchal society and women remain discriminated against both in law and practice. Women who have a well-founded fear of persecution as a result of their gender should be treated as being members of a particular social group as they are discriminated against in matters of fundamental human rights and are unlikely to be protected by the state. Women applicants who can demonstrate that they have a well-founded fear of persecution as a result of their gender and that they have no recourse to state protection or internal relocation should be granted asylum.

32. I have found that both Appellants have shown themselves to have a well founded fear of persecution from Mr H, and by extension, the Iranian state. They are persecuted as members of a particular social group. I do not find there to be a safe or reasonable internal flight alternative.

Decisions

33. The determination of the First-tier Tribunal contains errors of law and it is set aside.

34. I make a direction for anonymity having had regard to Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 and the Presidential Guidance Note No 1 of 2013: Anonymity Orders. I do so in the following terms:

> "Unless and until a tribunal or court directs otherwise, the Appellants are granted anonymity. No report of these proceedings shall directly or indirectly identify either Appellant nor any member of her family. This direction applies both to the Appellants and to the Respondent. Failure to comply with this direction could lead to contempt of court proceedings".

35. I re-make the decisions in the appeals as follows:

"The appeal of the First Appellant is allowed on asylum and human

rights grounds. She is not entitled to humanitarian protection because she is a refugee.

The appeal of the Second Appellant is allowed on asylum and human rights grounds. She is not entitled to humanitarian protection because she is a refugee".

Deputy Upper Tribunal Judge Bruce
14th March 2015