



**Upper Tribunal
(Immigration and Asylum Chamber)**
AA/09533/2014

Appeal Number:

THE IMMIGRATION ACTS

**Heard at North Shields
Promulgated
On 30 April 2015
2015
Prepared on 1 May 2015**

**Determination
On 11 May**

Before

DEPUTY UPPER TRIBUNAL JUDGE JM HOLMES

Between

**M. D.
(ANONYMITY DIRECTION)**

Appellant

And

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms Rasoul, Counsel instructed by Halliday
Reeves Law Firm

For the Respondent: Mr Mangion, Home Office Presenting Officer

DECISION AND REASONS

1. The Appellant is a citizen of Iran who said that he had entered the United Kingdom illegally the same day that he claimed asylum on 29 November 2013. That

application was refused on 27 October 2014, and in consequence a removal decision was made in relation to him.

2. The Appellant appealed to the Tribunal against those immigration decisions and his appeal was heard on 22 December 2014, and dismissed by decision of Judge Doyle, promulgated on 5 January 2015.
3. The Appellant's application to the First Tier Tribunal for permission to appeal, as drafted, raised a number of complaints, although they failed to identify clearly whether the Appellant asserted that the Judge had failed to give adequate reasons for the decision he had made, or, whether it was asserted that the Judge had failed to take material evidence into account. Ms Rasoul confirmed that she only sought to advance the argument that the Judge had failed to take material evidence into account, namely the documents produced to the Judge to corroborate the Appellant's claim to have been employed as a teacher in Iran. She was in my judgement right to do so, the Judge's reasoning, and findings of primary fact, are set out perfectly clearly in the decision; MK (Duty to give reasons) Pakistan [2013] UKUT 641.
4. The application for permission was granted by Judge Osborne on 12 February 2015.
5. The Respondent filed a Rule 24 Notice of 19 February 2015 in which she formally opposed the grant of permission.
6. The Appellant formally applied 29 April 2015 for permission to rely upon further evidence pursuant to Rule 15(2A) of the Upper Tribunal Procedure Rules 2008 relating to her conversion to Christianity and baptism on 15 February 2015.
7. Thus the matter comes before me.

The evidence concerning the Appellant's employment as a teacher

8. The bundle of documentary evidence placed before the Judge ran to 198 pages. Within it, at pages 71-79 were documents, and their translations, which the Appellant relied upon to show that he was qualified to teach metallurgy and welding, and that he had been employed in Iran to do so in August 2011, October 2011, June 2012, and between May and June 2013.
9. In his witness statement [ApB p18-] the Appellant had claimed to have worked as a teacher in Iran between 1992 and the date upon which he left Iran, having originally graduated with a degree in metallurgy, and having undertaken a masters degree in that subject between 2008 and 2011. He said that both degrees

were issued to him by Universities in Tehran. Whilst the documents produced did corroborate that element of the Appellant's account, as Ms Rasoul accepted, this was not an element of his account that the Judge had rejected as untrue. In the circumstances there was no substance to the assertion that the Judge had failed to have regard to the documents in question.

10. As is clear from the decision, the Judge considered that if the Appellant had genuinely acted in the way that he had claimed to have done during his lessons, then he would have been able to answer the questions that were put to him by the Respondent at interview about Kurdish issues, and politics. He could not do so. That is an entirely different credibility point, and the documents concerning his qualification and employment as a teacher do not assist upon it, one way or the other.
11. Ms Rasoul accepted this, but then sought to argue that all teachers in Iran were at risk of harm. That was not the Appellant's case before the First Tier Tribunal: his case was that he had acted individually in a way that had created an adverse political profile, which in turn had caused him to face a real risk of harm. He did not suggest that any other teacher at his place of work faced a similar risk. No complaint is made in the grounds to the effect that this assertion of a generic risk of harm was part of the Appellant's case, and overlooked by the Judge.
12. The Judge made no reference to the Appellant's conversion to Christianity in the course of his decision. Ms Rasoul accepted that he made no error of law in so doing, because he was simply never told of it.
13. I note however the evidence that is now offered under a Rule 15 Notice which purports to suggest that the Appellant was baptised after the decision of Judge Doyle was promulgated, and, that he had been attending the Stockton Baptist Tabernacle and pursuing an "Alpha course" to baptism for eleven weeks prior to that event, which must have commenced before the hearing of his appeal. It is difficult to see how he could have failed to be aware of that course, his conversion, or the forthcoming ceremony at the hearing of his appeal. As Ms Rasoul accepted, the Appellant has, as yet, offered no explanation as to why he failed to disclose to Judge Doyle his claim to have become a convert to Christianity. It is not for me in the course of these proceedings, and without hearing evidence, to determine whether that claim is genuine or not, but it is plain that in the context of this chronology the Appellant will have something of a struggle to convince anyone that this is the case.

Conclusions

14. Despite the terms of the grant of permission to appeal the decision discloses no material error of law in the Judge's approach to the evidence that was placed before him.

DECISION

The Determination of the First Tier Tribunal which was promulgated on 5 January 2015 contains no error of law in the decision to dismiss the Appellant's appeal which requires that decision to be set aside and remade, and it is accordingly confirmed.

Signed

Deputy Upper Tribunal Judge JM Holmes
Dated 1 May 2015

Direction regarding anonymity - Rule 14 Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until the Tribunal directs otherwise the Appellant is granted anonymity throughout these proceedings. No report of these proceedings shall directly or indirectly identify her. This direction applies both to the Appellant and to the Respondent. Failure to comply with this direction could lead to proceedings being brought for contempt of court.

Signed

Deputy Upper Tribunal Judge JM Holmes
Dated 1 May 2015