Upper Tribunal
(Immigration and Asylum Chamber) Appeal Number: PA/01803/2016

THE IMMIGRATION ACTS

Heard at Glasgow	**Decision & Reasons Promulgated**
on 24 October 2017	**on 26 October 2017**

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

B M P

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

For the Appellant: Ms N Loughran & Co, of Loughran & Co, Solicitors
For the Respondent: Mr M Matthews, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. The respondent refused the appellant's claim for reasons explained in her letter dated 9 February 2106.

2. First-tier Tribunal Judge Farrelly dismissed the appellant's appeal for reasons explained in his decision promulgated on 20 March 2017.

3. The appellant's 3 grounds of appeal are stated in the application for permission to appeal filed on 15 August 2017 (which in terms of the TP (UT) Rules 2008, rule 23 (1A), now stands as the notice of appeal to the UT).

4. Ms Loughran submitted further to the grounds as follows. (1): The appellant answered questions about his claimed home area in Iran, as cited in the ground, and was shown to be correct by the background information in his inventory 4, items C & B. The judge "failed to give weight" to those correct answers. (2): It was natural for

further detail to emerge in an account. The judge placed "too much weight" on perceived failure to mention active involvement in the KDPI at screening interview. (3): In assessing the appellant's knowledge of the KDPI, the judge gave "not enough weight" to what was reasonably to be expected of a person who was illiterate and uneducated.

5. Mr Matthews submitted thus. The reasoning for the conclusion at ¶31, criticised in ground (1), was at ¶21: if the appellant's nationality was as claimed, he could have brought evidence to support it. His failure to do so went unexplained. That reasoning was sensible, and no ground was directed against it. The judge acknowledged the extent of the appellant's knowledge, and gave it some weight. There was no lack of reasoning, as the ground asserted, and the degree of weight, the subject of submission, was for the judge. As to ground (2), the judge said that "screening was not dealing with detail", acknowledging the principle invoked by the ground, and was entitled to find that a plain omission showed later embellishment. On ground (3), the judge recorded the appellant's evidence of lack of education at ¶28. He appeared to doubt it, although he made no specific finding. The ground, however, was no more than a disagreement. It showed no error in the factual assessment at ¶28 – 30, which was based on an unpersuasive explanation for his alleged lack of education; allowance to be made for the stress of interview, but balanced in the round; and the questionability of limited knowledge even of a secretive organisation, if his father was a martyr in the cause and his [activist] uncle lived in the same house.

6. In response, Ms Loughran said that although the reasoning at ¶21 was not specifically challenged, there is a general rule that corroboration is not required; it should be taken into account that in context it might be dangerous to request information from the appellant's family; and the judge failed to take account of the explanation in the appellant's witness statement that he was not educated because his mother feared that education and political involvement went hand in hand.

7. I reserved my decision.

8. The submissions of both parties were accurately and succinctly put.

9. Having considered the grounds and those submissions, I find that each ground has been effectively countered by the respondent, for the reasons summarised above.

10. The grounds do not challenge the reasoning at ¶21.

11. That reasoning is patently sound, and is based on the general obligation on an appellant to advance his case, not on any misconception of the law on corroboration.

12. It is too late now to develop the case by way of the dangers of forwarding documentary evidence.

13. In any event, it is difficult to see why it should be dangerous or difficult to arrange for routine items to be conveyed to the UK by email or post.

14. Individually and as a whole, the grounds are insistence and disagreement on the facts, rather than disclosure of error on any points of law. They do not show that the decision falls short of the principles cited, or that it is anything less than a legally adequate explanation to the appellant of why he has failed to establish his case.

15. The decision of the First-tier Tribunal shall stand.

16. An anonymity direction was made in the FtT, although for no apparent reason. The matter was not addressed in the UT. This decision has been anonymised.

25 October 2017
Upper Tribunal Judge Macleman