



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: PA/01570/2017

**THE IMMIGRATION ACTS**

Heard at Field House  
On 4 July 2018

Decision & Reasons Promulgated  
On 9 July 2018

Before

UPPER TRIBUNAL JUDGE McWILLIAM

Between

NT  
(ANONYMITY DIRECTION MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

**Representation:**

For the Appellant: Mr M Sowerby, Counsel, instructed by Freedom Solicitors

For the Respondent: Ms Z Ahmad, Home Office Presenting Officer

**DECISION AND REASONS**

**Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008**

Unless and until a Tribunal or court directs otherwise, the Appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him or any member of their family. This direction applies both to the Appellant and to the Respondent. Failure to comply with this direction could lead to contempt of court proceedings.

1. The Appellant is a citizen of Iraq. His date of birth is 23 June 1991. His claim for asylum was refused by the Secretary of State on 13<sup>th</sup> January 2017. The Appellant appealed. His appeal was dismissed by Judge of the First-tier Tribunal Veloso. Her decision was promulgated on 13 October 2017, following a hearing at Hatton Cross on 19 September 2017.
2. Permission was granted to the Appellant by Upper Tribunal Judge Finch on 27 March 2018.
3. The matter came before me on 4 July 2018 to determine whether the judge made an error of law.

*The Appellant's Evidence before the FtT*

4. The Appellant's evidence can be summarised. His case is that he fears the family of a female ("SL") with whom he had a relationship. SL and the Appellant are Kurdish Muslim. They lived in Sulaymanyah in the IKR. SL's family is well-known in Iraq. The family has political influence and links to the Saddam Regime. Her family did not allow them to marry. If the Appellant returns to Iraq he will be killed by them.
5. SL's aunt was the Appellant's neighbour and they met at the aunt's home. They kept in contact by phone and messages and met four times in the three years that they knew each other; twice in a park, twice at his family home and once at SL's home. In January 2016 he requested SL's hand in marriage. Her family refused. He ended the relationship and went away for a while. SL then called him and insisted that she wanted to see him. On 20 March 2016 she came to his home. She told him that would be marrying her cousin. She told him that if he did not marry her she would kill herself. She was drunk and they were intimate. After a few months he found out that she was pregnant. She told him and asked him to marry her. In April or May 2016 the Appellant's uncle with others went again to ask her family for their daughter's hand in marriage. Her father refused. SL continued to contact the Appellant. She found out that she was pregnant. On 4 July 2015 her father sent two armed persons to the Appellant's home. SL warned him and he managed to escape through a backdoor. He got into a taxi and was driven to his uncle's home half an hour away. He was put into another car and driven to his uncle's friend's home. SL's family insulted the Appellant's mother and told her that if they found the Appellant they would kill him. He was advised by his uncle to leave Iraq. SL's family last had contact with the Appellant's family in September or October 2016. The Appellant last had contact with her on 4 July 2016.

*The decision of the FtT*

6. The judge did not find that the Appellant was credible. She rejected his evidence that he had a relationship with SL or that he experienced any of the difficulties that he

claimed. She found that he remained in contact with his family in Sulaymanyah in the IKR.

### *The Grounds of Appeal*

7. Mr Sowerbury addressed me on the grounds seeking permission. The first ground was that the judge did not consider the Appellant's evidence that he was in the course of escaping after receiving notification from his girlfriend that he was in danger and did not have the opportunity to consider anything other than his own safety. Reference was made to the Appellant's witness statement of 14 September 2017 at [8] to [9]. Mr Sowerbury relied on [37] and [39] of the decision. The second ground was that the judge's finding at [42] unreasoned. The judge did not find it credible that the Appellant was able to escape from his armed attackers. The judge failed to grasp the facts of the Appellant's case and the decision is unreasoned. The third ground was that the judge erred at [43] when concluding that there was no requirement to obtain corroborative evidence in an asylum case, but then going on to make an adverse credibility finding against the Appellant on the basis of his failure to provide documentary evidence confirming that SL's family is of influence in the KRI or elsewhere.

### *Conclusions*

8. The first ground is untenable. It misrepresents the findings. The point made by the judge at [39] and [40] was that there had been ample opportunity for the Appellant to physically make his escape to the UK with the with SL. The judge attached weight to the evidence that SL had told him on two occasions that unless he took her away and married her she would be forced to marry her cousin. She found that SL had told him to take her with him at least once even before he family knew of her pregnancy.
10. The judge found at [39] of the Appellant's own evidence that SL would have been at risk of an "honour" offence on two different grounds having considered the background evidence. She found that his decision to leave the country without her did not paint the picture of a strong relationship and a couple in love as he claimed.
11. The judge took into account the Appellant's own evidence was that SL had been able to maintain contact with him at different times by obtaining a SIM card, visiting him on her own, such as on the occasion of a stay at her aunt's house and taking the SIM card with her to hospital and a private clinic, to which her parents had taken her. The judge found that there was no reason why the Appellant would not have been able to find a way to leave the area with her. The judge attached weight to the Appellant's evidence that his uncle helped him leave the country and found that there was no reason why he could not have made arrangements for the two of them to go bearing in mind the risks that she faced.
12. The judge considered the Appellant's evidence that SL was able to contact him and visited his family home in March 2016. She used a mobile phone to call or message him. The judge found that if the family had been such influence and power they would

have prevented SL from going out on her own and obtaining a SIM card to contact him after refusing a first request for her hand in marriage and most certainly after refusing the second. Even if they thought that they were no longer together, after the refusal of the first marriage request the fact that SL's aunt lived next door to the Appellant would have raised their suspicion of some contact potentially taking place. That background evidence established that there had been sufficient activity to dishonour the family. The judge considered the failure of the Appellant to flee with his girlfriend in the context of the duration of the relationship and did not only focus on the day he fled upon which was the focus of the Appellant's evidence in his statement at [8] and [9].

13. The second ground has no merit. The judge found at [42] "had two- armed people been sent to the Appellant's home to kill him, he would not have been able to simply escape through the backdoor." The judge found that they would have known how to and taken measures to cover the property's backdoor and not allowed him to merely flee the scene and get away in a taxi. The judge noted the Appellant's own evidence of the taxi taking him straight to his uncle's home the very person, according to the judge, who made the second request for SL's hand in marriage. The judge found that SL's family would have known of his uncle and his address and gone there to look for the Appellant or to wait for him. The argument that the judge's conclusions at [42] are unreasoned is without substance. The judge drew reasonable inferences from the evidence.
14. There is no substance in the third ground. The judge found at [43] that the Appellant did not submit documentary evidence to support his claim that SL's family is of influence in the KRI or elsewhere in Iraq. The judge acknowledged that there is no legal requirement to corroborate an asylum claim but concluded that "applying common sense I would have expected him to provide the same once the issue was brought to his attention, especially since he remained in contact with his family in Sulaymanyah." Furthermore, when cross-examined the Appellant explained that he had brought such evidence with him when he came to the United Kingdom along with his ID documents and lost them. The judge was entitled to infer from this that he could have obtained copies of the documents he claimed to have brought on his travels, at least in time to support his appeal.
15. In respect of the grant of permission, the issue was not pursued by Mr Sowerby, but in any event, I find no lack of clarity in the findings of the judge in respect of the relationship between the Appellant and SL. The judge found at [36] that the Appellant's evidence was inconsistent about the relationship. When cross-examination he said for the first time that did not believe her when she told him that she was pregnant with their child. He thought that she was joking. When she called him to tell him about the episodes of fainting that she was experiencing he told her to go to the hospital. He did not offer to go with her or seem worried about how she was or the reasons why she had been experiencing the symptoms.
16. The judge rejected the Appellant's evidence about his relationship with SL and her family's refusal of two requests for her hand in marriage, her pregnancy, her family's

threats, the attempt made against his life and threats against his family. She concluded that the evidence about his relationship with SL was inconsistent. She found that the evidence that they were in a strong and loving relationship was undermined by his reaction when she told him she was pregnant. He did not accompany her or meet her at the hospital when she told him she was experiencing fainting. The judge attached weight to the Appellant's failure to provide documentary evidence to show that SL's family was "well-known, influential and with connections." The judge found that there had been ample opportunity to flee Iraq with SL had they been in danger. The judge findings are grounded in the evidence are adequately reasoned. There is no error of law. The decision to dismiss the appeal on asylum grounds is maintained.

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Signed

*Joanna McWilliam*

Date 5 July 2018

Upper Tribunal Judge McWilliam