



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

Appeal Number: PA/03605/2017

THE IMMIGRATION ACTS

**Heard at City Centre Tower, Decision & Reasons Promulgated
Birmingham**

On 15th December 2017

On 6th February 2018

Before

DEPUTY UPPER TRIBUNAL JUDGE RENTON

Between

**O M
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms E Rutherford, Counsel instructed by Virgo Solicitors
For the Respondent: Mrs H Aboni, Home Office Presenting Officer

DECISION AND REASONS

Introduction

1. The Appellant is a male citizen of Iran born on [] 1986. He entered the UK illegally on 5th October 2016 and applied for asylum on that date. That application was refused on 29th March 2017 for the reasons given in an

Asylum Decision of that date. The Appellant appealed and his appeal was heard by First-tier Tribunal Judge Boylan-Kemp (the Judge) sitting at Birmingham on 10th May 2017. She decided to dismiss the appeal on asylum, humanitarian protection, and human rights grounds for the reasons given in her Decision dated 16th June 2017. The Appellant sought leave to appeal that decision and on 27th September 2017 such permission was granted.

Error of Law

2. I must first decide if the decision of the Judge contained a material error on a point of law so that it should be set aside.
3. The Appellant claimed to be at risk on return to Iran as someone who had been involved with the KDPI. The Appellant's father had been shot by the authorities when caught smuggling cattle across the border with Peshmergas. The Appellant had also smuggled livestock, and in September 2016 he and a colleague had helped two injured Peshmergas to cross the border. They had been fired upon by the Iranian authorities who had captured his colleague called Q. Q had given the Appellant's name to the Iranian authorities who had then searched for the Appellant.
4. The Judge dismissed the asylum and humanitarian protection appeal because she found the Appellant's account of events in Iran to be wholly lacking in credibility. The Judge's decision in respect of the Appellant's Article 8 ECHR rights has not been challenged in this appeal.
5. At the hearing, Ms Rutherford referred to the grounds of application and argued that the Judge had erred in law in respect of her credibility finding. The Judge had also erred by not making any finding as to whether the Appellant's father was a member of the KDPI which in itself would put the Appellant at risk on return.
6. In response, Mrs Aboni referred to the Rule 24 response and submitted that there was no such error of law. The Judge had considered all the evidence in the round and had given adequate reasons for her credibility finding.
7. I find no error of law in the decision of the Judge which I therefore do not set aside. I agree with the submission of Mrs Aboni that the Judge considered all of the evidence in the round and gave a careful analysis of it between paragraphs 13 and 18 of the Decision. The Judge identified discrepancies, inconsistencies, and implausibilities in the evidence of the Appellant. The Judge came to a conclusion as to the Appellant's credibility open to her on the evidence before her and which she fully explained.
8. It is true that the Judge did not make a specific finding as to whether the Appellant's father was a member of the KDPI. However, such a specific finding is not necessary as it was a claim of the Appellant that is father

was a member of the KDPI and as the Judge stated in the Decision, she did not find any part of the Appellant's account to be credible.

9. For these reasons I find no error of law in the decision of the Judge.

Notice of Decision

The making of the decision of the First-tier Tribunal did not involve the making of an error on a point of law.

I do not set aside that decision.

The appeal to the Upper Tribunal is dismissed.

Anonymity

The First-tier Tribunal made an order for anonymity which I continue for the same reasons given by the First-tier Tribunal.

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.

Signed

Date 2nd February 2018

Deputy Upper Tribunal Judge Renton