



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

Appeal Numbers: PA/05601/2016
PA/05604/2016

THE IMMIGRATION ACTS

**Heard at Bennett House, Stoke-on-Trent
On 16th November 2017**

**Decision & Reasons
Promulgated
On 08th January 2018**

Before

DEPUTY UPPER TRIBUNAL JUDGE RENTON

Between

**A B
F A
(ANONYMITY DIRECTIONS MADE)**

Appellants

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellants: Mr R Martin, Counsel instructed by French & Company, Solicitors

For the Respondent: Mr A McVeety, Home Office Presenting Officer

DECISION AND REASONS

Introduction

1. The Appellants are both citizens of Iraq. They are FA, born on 20th March 1966, and her son, AB, born on 18th October 1997. They entered the UK as

visitors on 11th September 2015 and claimed asylum on 30th November 2015. Those applications were refused for the reasons given in Asylum Decisions dated 20th April 2016. Both Appellants appealed, and their appeals were heard by First-tier Tribunal Judge Bell (the Judge) sitting at Stoke-on-Trent on 6th June 2017. He decided to allow the appeal of FA on asylum grounds, but to dismiss the appeal of AB on asylum grounds. However, he allowed the appeal of AB as the dependant of FA. The Respondent sought leave to appeal those decisions and on 25th September 2017 such permission was granted.

Error of Law

2. I must first decide if the decision of the Judge contained a material error of law so that it should be set aside.
3. The Judge allowed the appeals because he found the evidence of FA to be largely credible and accepted her account that she and her son were at risk on return to Iran as a convert to Christianity. At the hearing, Mr McVeety argued that the Judge had erred in law in reaching this conclusion. He referred to the grounds of application and submitted that the Judge had failed to consider all of the evidence in the round and had failed to attach sufficient weight to the factors identified by the Judge as being contrary to the credibility of the Appellant. The Judge had placed too much weight on the corroborative evidence of the Reverend Clive Burrows who gave oral evidence at the hearing.
4. In response, Mr Martin argued that there had been no such error of law. The Judge had carefully analysed all the relevant evidence in detail between paragraphs 27 and 40 of the Decision. The Judge had dealt with all the challenges to FA's credibility raised by the Respondent. It could not be said that the Judge had not considered all of the evidence in the round.
5. I find no error of law in the decision of the Judge which I therefore do not set aside. The Respondent's challenge to the Judge's decision relates solely to his decision as to the credibility of FA. In my view the Judge made no error of law in this respect. The Judge carefully and thoroughly analysed all of the evidence in the Decision. He identified certain factors in paragraph 36 of the Decision which caused him to doubt the credibility of FA. However, he applied the lower standard of proof correctly and taking into account those factors in favour of FA and the evidence of Reverend Burrows he came to a conclusion which cannot be described as perverse and which he fully explained. It is a matter for the Judge to decide what weight to be attached to any particular evidence. At paragraph 39 of the Decision he described the contribution of Reverend Burrows as "strong evidence", and as he explained in paragraph 39, considering all the evidence in the round, the factors in favour of FA's credibility outweighed those on the other side of the coin.

6. 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 did make an order for anonymity in respect of both Appellants which I continue for the reasons given by the First-tier Tribunal.

Signed

Date 4th January 2018

Deputy Upper Tribunal Judge Renton