



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: PA/13334/2016

THE IMMIGRATION ACTS

Heard at Bradford
On 18 June 2018

Decision & Reasons Promulgated
On 13 July 2018

Before

UPPER TRIBUNAL JUDGE LANE

Between

JAMAL RAMYAR
(ANONYMITY DIRECTION NOT MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Patel, instructed by Parker Rhodes Hickmotts Solicitors

For the Respondent: Mrs Pettersen, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant, Jamal Ramyar, was born on 8 July 1996 and claims to be a citizen of Iran. The appellant's claim for international protection was refused by the Secretary of State by a decision dated 16 November 2016. The appellant appealed to the First-tier Tribunal (Judge Hindson) which, in a decision promulgated on 28 September 2017, dismissed the appeal. The appellant now appeals, with permission, to the Upper Tribunal.

2. There are three grounds of appeal. First, the appellant challenges the judge's decision on the basis that he failed to consider material evidence. At [27], the judge stated:

"[The appellant] said that this man compelled the appellant to move his sheep near to the base as part of the attack. He has not explained why they would want him to move his sheep there and I am at a loss to understand why they would do that."

3. The appellant claimed that he had been approached by a man who had asked him about military bases in the area where the appellant lived. The appellant had initially refused to help the man but, having been threatened, then agreed to "move his sheep to where the bases are." The appellant claims that he did provide an explanation for having moved his sheep in his substantive interview with the respondent's officers, in particular at questions 22 and 47. The appellant claimed that he had moved the animals close to the military base "as a form of camouflage/distraction for the attack that followed." (Grounds, paragraph 5).

4. Further at [28] the judge wrote:

"The appellant says he did not give his name to this man but the man in turn gave the appellant's name to the authorities. He has not explained how that can be.

In his substantive interview with the respondent's officer, the appellant had explained [40] how the appellants had assumed that the appellant had been involved in the attack. In his witness statement the appellant explained how his name had been given to the authorities."

5. Those parts of the judge's decision are problematic. The judge appears to have ignored explanations provided by the appellant. However, the judge has given other reasons for rejecting entirely the appellant's reliability. In particular, at [24 - 25] the judge records the fact that the appellant had, in his screening interview, given a detailed account of a money dispute "within his extended family that had resulted in his brother being killed two years ago. He now says there was no such dispute and he did not say that in the interview." The judge has given sound reasons [25] for rejecting the appellant's explanation for having completely changed his account in support of his claim for asylum. The judge found that, "I am satisfied the appellant gave [the money dispute] account initially but then realised that it was not a strong basis for a claim so he invented a different account which he gave in his asylum interview." That was a finding which was manifestly available to the judge on the evidence. In consequence, whilst the judge should perhaps have addressed the explanations which the appellant provided for the *prima facie* implausibilities in his second account, the judge has given reasons for rejecting that second account entirely such that the explanations could add nothing to the appellant's credibility as a witness.

6. That same observation deals with the second ground of appeal. The judge found at [31] that:

"The appellant has provided background material that confirms a military base was set on fire in August 2015. This is inconsistent with the appellant's account that he left Iran in April 2016 some eight months later."

7. The grounds submit that “simply because an attack took place on a base in the past, does not mean that a further attack had not taken place subsequently, in line with the appellant’s evidence.” That would be a reasonable argument were it not for the fact that the appellant’s evidence had been thoroughly undermined by his failure to explain why he had completely changed the basis of his claim for asylum. Having failed to explain that change, it was open to the judge to find that no part of the second account was reliable.
8. Finally, there is no merit in the third ground of appeal. Having dismissed the appellant’s credibility as a witness, the judge observed at [32] that the appellant is “an economic migrant who has come to the UK to seek a better life.” The grounds complain that it was never put to the appellant during the hearing that he was an economic migrant. I find the judge’s observation, whilst perhaps superfluous, does not adversely affect his core finding that the appellant had given false accounts of past events in Iran. The judge has given perfectly sound reasons for finding the appellant had failed to discharge the burden of proving that he was at real risk in Iran; his *obiter* musings on the appellant’s true motives for coming to the United Kingdom neither detract from nor add to his core findings.

Notice of Decision

9. This appeal is dismissed.
10. No anonymity direction is made.

Signed

Date 11 JULY 2018

Upper Tribunal Judge Lane

I have dismissed the appeal and therefore there can be no fee award.

Signed

Date 11 JULY 2018

Upper Tribunal Judge Lane