Upper Tribunal
(Immigration and Asylum Chamber) **Appeal number: PA/06669/2018**

THE IMMIGRATION ACTS

Heard at Glasgow	**Decision & Reasons Promulgated**
on 8 March 2019	**On 13 March 2019**

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

SOZAN ROSTAMI

Appellant

And

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr J Chaudry, of Latta & Co, Solicitors
For the Respondent: Mr A Govan, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. The appellant appeals against the decision of FtT Judge Mill, promulgated on 3 July 2018. Her grounds are set out in her application dated 5 September 2018, numbered 1 - 6.

2. Ground 1 says that in holding against the appellant her inability at screening interview to provide the date of her marriage and the date of birth of her husband, the judge gave "insufficient weight" to her explanation that she had just arrived from a long and difficult journey; the lack of importance given to such dates in her culture; and the corrections made to her interview once she recovered.

3. On inspection of the evidence during submissions in the UT, it appears that the appellant's account of her journey is that she travelled in the back

of three lorries over about eight days from Turkey, her journey ending near the door of the police station in Glasgow where her interview took place. That would certainly have been an exhausting experience, and she did say, "I am very tired"; (2.3, page A3 respondent's bundle). However, she also said she was well and ready to be interviewed, and gave generally coherent, indeed quite detailed answers. Honest witnesses, of any cultural background, vary in their knowledge and accuracy over dates; but probably most people know the date of their marriage, and the date of birth of their spouse. The amount of weight to be given to any item of evidence is, within the bounds of reason, a matter for the judge. Nothing in ground 1 rises above disagreement with the judge's weighing of the evidence.

4. Ground 2 cites background evidence that "a large number of Kurds are inclined to join whatever protest that arises", and says that goes against the finding at [23] that it seemed unlikely that the appellant would choose to participate. This is variously characterised as "speculation … contrary of the evidence", failure to provide clear reasons, and failing to engage with background evidence. However, in substance this is only insistence that the evidence should have been interpreted in the appellant's favour. The judge was entitled to draw from lack of political interest, and awareness of the danger attached, that it seemed unlikely the appellant would involve herself.

5. Ground 3 takes the same points as 1 and 2, under a heading of lack of clear reasoning, and adds nothing.

6. Ground 4 alleges that the judge misconstrued the appellant's evidence about where she and her husband were at the demonstration, how they came to be separated, and whether she could have seen his arrest. The judge is said to have found inconsistency and contradiction where there was none.

7. Ground 5 is the same point, but put under the heading of failing to give the appellant a fair opportunity to deal with the perceived deficiency in the evidence. This takes the matter no further. The evidence, on examination, was either self-contradictory or it was not.

8. Grounds 4 – 5 together make the appellant's best point. She does not appear in the evidence cited to say anything about her distance and degree of separation from her husband, or the size and density of the crowd, which renders her account "entirely incredible". It was not evidence a judge was bound to accept, but the reasons given hardly justify so emphatic a rejection.

9. Ground 6 criticises the judge for founding upon the apparent absence of any grieving process by the appellant on finding out about her husband's death and points to her statement that she was distraught.

10. This ground does not fairly represent the relevant passages in the decision. The judge's point was not that the appellant never said that she grieved. It is based on such matters as her not knowing the date when her

father-in-law told her that her husband had died; not being interested in finding out any more; retaining no contact details; the unlikelihood of her agreeing to meet another man, with whom she shortly formed a relationship, even before she knew her husband to be dead; and so on. The discussion of this issue in the decision is detailed, sensible, and not shown to involve any error.

11. Mr Chaudry sought also to challenge [22-23] of the decision. Those points were not in the grounds, although they might have been taken as legitimate expansion. They amounted to further disagreement on the facts, rather than identifying any error of law.

12. Finally, Mr Chaudry submitted that the judge erred also at [34] on section 8 of the 22004 Act. This is also not on the grounds, and Mr Govan said it came too late.

13. There is nothing wrong with [34] in its own terms. It is open to the criticism that it overlooks the appellant's evidence that she travelled by lorry, without any real chance to claim elsewhere. In the context that she was found for much wider reasons to be generally an unreliable witness, this is not a criticism which takes her very far.

14. The one point of any substance is at ground 4. As Mr Chaudry submitted, it goes directly to an event at the heart of the claim. Nevertheless, the decision must be read fairly and as a whole. It has not been analysed to show overall deficiency of reasoning. It gives many good reasons for finding the appellant a generally unreliable witness, summing up at [35] not only that she failed to show that she attended a demonstration, but also failed to show that she was married; that her husband, if he ever existed, was a member of the KDPI; or that she formed a genuine romantic relationship with a British Citizen, such as to cause unwanted attention from her family in Iran.

15. The decision of the FtT shall stand.

16. No anonymity direction has been requested or made.

11 March 2019
UT Judge Macleman