



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

Appeal Number: PA/06818/2018

THE IMMIGRATION ACTS

**Heard at Manchester Civil Justice Centre
On 23 April 2019**

**Decision & Reasons
Promulgated
On 29 April 2019**

Before

UPPER TRIBUNAL JUDGE LANE

Between

**RUKHSAR [S]
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Sidhu

For the Respondent: Mr Tan, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant was born on 1 January 1985 and is a female citizen of Iran. She is of Kurdish ethnicity and has three children (all under 14 years of age) dependent upon her appeal. She entered the United Kingdom on 5 December 2017. Her claim for international protection was rejected by the Secretary of State by a decision dated 23 May 2018. She appealed to the First-tier Tribunal which, in a decision which was promulgated on 11 July 2018, dismissed the appeal. The appellant now appeals, with permission, to the Upper Tribunal.

2. The ground of challenge to the decision of the judge is a narrow one. Mr Sidhu, who appeared for the appellant before both First-tier and Upper Tribunals, acknowledged that the judge's rejection of the appellant's account regarding her husband's claimed infidelity and its consequences could not be faulted in law. Only the judge's subsequent analysis of risk on return was, he submitted, open to challenge. He submitted that the appellant had given consistent evidence which would indicate that she would return to Iran as a single woman without family support in that country. It not been open to the judge to conclude that the appellant had given inconsistent or unreliable evidence on that issue and that she would have family members who may assist her upon return.
3. The problem with that submission is that the judge has clearly recorded in his record of proceedings that the appellant said in evidence that husband had a brother living in Iran. In her asylum interview at Q20, the appellant answered in response to the question 'do you know if [your husband] has any family in Iran? 'No, his parents passed away, he has no one else.' In the face of that evidence, it was open to the judge to find of the appellant had been inconsistent on this very issue; it is not arguable that he has in any way misunderstood the evidence or made an error of fact. It is not the case, therefore, as the appellant now submits, that the judge's analysis is wrong or incomplete because he has failed to find whether she would, as a lone woman, face a real risk on return. The judge's analysis is clear; the appellant would have family members to whom she could turn for assistance.
4. In addition, the judge made a finding in the alternative at [18]. Even if the appellant does not have family in Iran, the judge concluded that, on the evidence, 'she has not rebutted the Secretary of State's evidence about the facilities available in Iran for lone women.' That alternative finding was sufficient to dispose of the appellant's assertion that, even if her account of past events was untrue, she would still face a real risk upon return.

Notice of Decision

5. In the circumstances, this appeal is dismissed

Signed

Date 23 April 2019

Upper Tribunal Judge Lane