



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

Appeal Number: PA/11646/2018

THE IMMIGRATION ACTS

Heard at Field House

On 8 March 2019

**Decision & Reasons
Promulgated
On 02 April 2019**

Before

DEPUTY UPPER TRIBUNAL JUDGE PEART

Between

**MRS P R
(ANONYMITY DIRECTION MADE)**

and

Appellant

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Mustafa

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

DECISION AND REASONS

1. The appellant was born on 25 August 1994. She is a citizen of Iran.
2. She appealed against the respondent's refusal to grant her asylum, humanitarian protection and on human rights grounds dated 22 September 2018.
3. In a decision promulgated on 11 December 2018, Judge C Burns (the judge) dismissed the appellant's appeal. She did not find her to be credible with regard to events in her own country, or that she would be at risk on return.

4. The grounds claim the judge erred with regard to the plausibility of the appellant's account. There were various issues:
 - (a) That the judge erred in finding the appellant's account implausible when considered against the background information on Iran. Further, the appellant's case could not rationally be said to be contrary to the country evidence. See decision at [26] - [28].
 - (b) It is claimed the judge erred because she found it implausible that the appellant would assist Komala by buying medicine for members of the party. That overlooked the appellant's plausible explanation for her behaviour at [3] and [9] of her statement when she said *inter alia* "although not politically active, I did want to help the Kurdish parties because they are fighting for our freedom." The grounds submit there was nothing inherently implausible about that aspect of the appellant's account and the judge gave no reason for discounting that explanation. See decision at [26].
 - (c) The judge found the appellant's evidence of meetings being held at her house between August and September 2017 and March 2018 as inconsistent with the objective evidence of a crackdown on Kurdish political groups at that time. The grounds submit that it was unclear how that was inconsistent with the appellant's evidence of having hosted Komala members during that period. On any rational view, that evidence supported the plausibility of the appellant's case. If the Iranian authorities were cracking down on the known supporters of the party and locations where they were known to congregate, that would explain why the group began holding meetings in the home of someone with no previous political profile. The appellant's explanation that her house was considered a safe place in comparison with the homes of known Komala supporters was consistent with the country evidence. Further, the appellant's evidence that those meetings were eventually detected accorded with the evidence. See decision at [27].
 - (d) The judge pointed to evidence that Komala conducted its business in secret as suggesting that the appellant's evidence that she knew that the men who met at her house were involved with Komala was implausible. Firstly, the evidence indicated that Komala sympathisers *usually* do not know who members are, not that they *never* know who members are. Secondly, while the evidence suggested that Komala kept its meetings a secret from the outside world and from the authorities, it did not suggest that the participants were invisible and silent. It would be absurd as the judge suggested, that meetings were kept separate from the participants and those in whose houses they were held. See decision at [28].
 - (e) The judge concluded at [28] that as the evidence suggested Komala leaflets were distributed by being left in a pile in public places, they would not be stored inside a house before they were so distributed. The grounds claim there was nothing in the objective evidence to suggest that did not occur. As a matter of logic, leaflets must first be

produced and if they were not distributed immediately, they must be stored somewhere in the meantime.

5. Judge Grant-Hutchison granted permission to appeal on 8 February 2019. She said inter alia:

“2. It is arguable that the judge erred in law in her approach when concluding that the appellant’s case is implausible when considered against the background information in respect of Iran in relation to

- (a) assisting Komala by buying medicine for members of the party even though she was not politically active;*
- (b) the meetings being held at her house when her house was considered a safe place in comparison with homes known to support Komala and the fact that the meetings in her home were eventually detected accords with the evidence;*
- (c) knowing the men who met at her house when the evidence dictates that Komala sympathisers usually do not know who members are, not that they never know who members are; and*
- (d) that Komala leaflets would not be stored inside a house before they are distributed to the public when there is nothing to suggest in the objective evidence that this does not occur. As a matter of logic the leaflets must first be produced and if they are not distributed immediately, they must be stored somewhere in the meantime.*

6. There was no Rule 24 response.

Submissions on Error of Law

7. Mr Mustafa relied upon the grounds. He drew my attention to [3] and [9] of the appellant’s statement dated 22 November 2018 with which the judge did not engage. The appellant said she was not politically active but wanted to help the Komala Party. She was helping her husband. She was not an active member or supporter of the party. She bought medication for the party because she wanted to help.
8. The authorities were cracking down on known dissidents so used the houses of people not known, for meetings. Mr Mustafa referred me to 3.1.1. at L60 of the respondent’s bundle. Komala Party cells in Iran act as an umbrella which covers a large number of sympathisers. Sympathisers and members come into contact and are acquainted with one another through different collective activities. The sympathisers usually do not know who members are as the members never present themselves as such. However, through these collective activities, the members get to know the best and the most active persons among sympathisers. As regards leaflets, I am referred to 3.1.2.2. at L62 of the respondent’s

bundle. Materials are distributed either by the party members or left in a pile during the night in places such as secondary schools, universities, factories, workshops, market, etc. Sometimes young and inexperienced activists were arrested for storing political material.

9. Mr Lindsay submitted that the grounds were merely a challenge to the reasons the judge gave and an attempt to reargue the case. The judge gave three key reasons at [26], [27] and [28] of the decision.
10. As regards [26] the judge found the explanation that the appellant would buy medication for members of the party and hold meetings unbelievable, particularly when this was a period during which the authorities had a crackdown against any perceived political dissidents. The judge took account of the appellant's oral evidence from [13].
11. As regards [27] the judge's findings were based on the evidence. The appellant's own evidence was that her house was considered to be a safe place for meetings but clearly, it was not safe. The judge was entitled to find that the appellant's evidence was not consistent with the background evidence. See [20] of the judge's decision.
12. As regards [28] the judge's findings were consistent with the background information. Put simply, there was nothing to support a case such as the appellant was putting forward. There was nothing to suggest that leaflets were stored in private dwellings.

Conclusion on Error of Law

13. I find the grounds are nothing more than a challenge to the reasons given by the judge and an attempt to reargue the case. The judge gave clear and cogent reasons at [23]-[32] for rejecting the appellant's account that she assisted members of the Komala Party by holding meetings, storing leaflets and purchasing medication. The judge did not accept for the reasons she gave that members of the Ettela'at raided the appellant's home because she found there would be no reason for them to do so given the appellant's lack of involvement in Kurdish politics. The judge did not accept the appellant was storing leaflets and that her claim was a fabrication. Those were reasons the judge was entitled to come to on the evidence before her.

Decision

14. The judge did not materially err. Her decision shall stand.

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: 27 March 2019

Deputy Upper Tribunal Judge Peart