



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

Appeal Number: PA/05206/2019

THE IMMIGRATION ACTS

Heard at Bradford

On 13 December 2019

**Decision & Reasons
Promulgated**

On 6 February 2020

Before

UPPER TRIBUNAL JUDGE LANE

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

BA

(ANONYMITY DIRECTION MADE)

Respondent

Representation:

For the Appellant: Mr Diwnycz, Senior Home Office Presenting Officer

For the Respondent: MS Patel, instructed by Parker, Rhodes Hickmotts solicitors

DECISION AND REASONS

1. I shall refer to the appellant as the 'respondent' and the respondent as the 'appellant', as they appeared respectively before the First-tier Tribunal. The appellant was born in 1991 and is a male citizen of Iraq. He appealed to the First-tier Tribunal against a decision of the Secretary of State dated 17 May 2019 refusing his application for international protection. The First-tier Tribunal, in a decision promulgated on 26 September 2019, allowed the appeal. The Secretary of State now appeals, with permission, to the Upper Tribunal.

2. At the core of the appellant's application for asylum is his claim that he is at real risk in Iraq as the possible target in a blood feud arising from his marriage. The judge accepted the credibility of the appellant's account. The grounds of appeal assert that the judge has failed to provide any clear adequate reasons for accepting the appellant account and that the conclusions of the judge at [86-103] are not reasoned findings but 'bare statements of accepted facts.'
3. At the initial hearing in the Upper Tribunal, Mr Diwnycz, who appeared for the Secretary of State, did no more than rely upon the grounds of appeal. He made no oral submissions.
4. Ms Patel, who appeared for the appellant, submitted that the judge had provided adequate reasons. The judge had analysed in some detail the evidence and had properly considered the Secretary of State's concerns regarding the appellant's account of past events as set out in the refusal letter.
5. Having considered the judge's decision carefully, I find that I agree with Ms Patel. The decision of the First-tier Tribunal is at times verbose and, perhaps, overly concerned with emphasising that the judge has considered the evidence 'in the round', as a totality etc. Of course, the judge was required to analyse the evidence in that manner but, reading the decision, one has the impression of a certain amount of 'box ticking.'
6. Having said that, I am satisfied that the judge has provided adequate reasons for accepting the appellant's account. He has considered the various incidents in the account and stated why he finds that these occurred as described by the appellant. He has considered and given reasons for rejecting the concerns of the Secretary of State. In his analysis, the judge has properly considered the behaviour and motivation of the actors in the account and has done so by reference to the appropriate standard of proof. For example, at [101], the judge writes that he was 'prepared to accept, against the appropriate standard, that the mother in law [of the appellant], as she now is, would secure her daughter's happiness and support the elopement; notwithstanding the claimed consequences.' The judge was aware that he had to give adequate reasons for finding that members of the appellant's family might act contrary to cultural norms or in a manner which appeared contrary to indications provided in background material. In the circumstances, I have concluded that the Secretary of State's challenge to this decision amounts to no more than a disagreement with the findings of the judge. No error of law, which would justify the setting aside of the decision, has been identified.

Notice of Decision

This appeal is dismissed.

Signed

Date 31 December 2019

Upper Tribunal Judge Lane

Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until a Tribunal or court directs otherwise, the appellants are granted anonymity. No report of these proceedings shall directly or indirectly identify them or any member of their family. This direction applies both to the appellants and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.