



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM
CHAMBER

Case No: UI-2021-001906

First-tier Tribunal No: PA/52139/2021
IA/06867/2021

THE IMMIGRATION ACTS

Decision & Reasons Promulgated
On 23 February 2023

Before

UPPER TRIBUNAL JUDGE KEBEDE

Between

MR
(Anonymity Order made)

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr G Brown, Counsel

For the Respondent: Mr A McVeety, Senior Home Office Presenting Officer

Heard at Manchester Civil Justice Centre on 27 January 2023

DECISION AND REASONS

1. The appellant appeals, with permission, against the decision of the First-tier Tribunal dismissing his appeal against the decision to refuse his protection and human rights claim.

2. The appellant is a national of Iraq whose date of birth is recorded as 1 January 1995. He claims to have arrived in the UK on 8 May 2019. He claimed asylum on 9 May 2019 and attended an initial, screening interview on 11 May 2019. He completed a questionnaire with attached statement on 27 August 2020 and was interviewed about his claim over three interviews, on 14 and 28

January 2021 and 9 March 2021. Further representations were submitted on 7 April 2021. His claim was refused on 14 April 2021 and he appealed against that decision.

3. The basis of the appellant's claim is that he fears persecution from the family of a woman with whom he had a relationship in Iraq. He claims to have met the woman, S, in 2015, at the sandwich shop where he worked, she rang him after visiting the shop a few times, and they commenced a relationship, meeting at the shop or at her sister's house, over a period of three years. In February or March 2018 the appellant asked his parents to go to S's house and propose marriage, which they, but the proposal was rejected by S's father and brother since she was to marry her cousin who was a guard in the PUK. Her cousin's father was a prominent member of the PUK/ a high ranking major general in the PUK. In June 2018 the appellant asked his parents to propose marriage again which they did, but again the proposal was refused. The appellant, on advice of S's sister, did not contact S for a month, and during that time he was attacked in the shop where he worked by two of S's brothers and her cousin who threatened to kill him if he had contact with her again. S contacted him and told him that she had been severely beaten up. The appellant then went into hiding in Erbil and left Iraq for Turkey on 2 September 2018. He found out that S had committed suicide in August 2018 by setting herself on fire. He feared that he would be killed by her brother, father and cousin if he returned to Iraq.

4. The respondent, in the letter of 14 April 2021 refusing the claim, considered the appellant's account of his relationship with S to be internally inconsistent as well as inconsistent with the country background information, and did not accept that there ever was such a relationship. The respondent also considered the appellant's account of the marriage proposal, as well as the account of the threats from S's family, to be internally and externally inconsistent and did not accept that his claim was a credible one. The respondent considered that the appellant was not at any risk on return to Iraq and that even if his account about his relationship with S was true, he could relocate to another area such as Erbil where he had managed to stay without problems. As for the issue of documentation, the respondent noted that the appellant had claimed to have left his CSID in Iraq and considered that he could obtain it from his family with whom he had confirmed he retained contact. The respondent concluded that the appellant's removal to Iraq could not breach his human rights.

5. The appellant appealed against that decision and his appeal was heard in the First-tier Tribunal on 1 November 2021 by Judge Hatton. The appellant gave oral evidence before the judge. The judge found the appellant's evidence to be unreliable and noted numerous inconsistencies in the various accounts, including between the screening interview and his subsequent accounts and within his statement, substantive interviews and oral evidence. He noted the appellant's evidence that his CSID was currently in the possession of his family in Kurdistan and concluded that he could obtain the document from his family and return to the IKR. The judge concluded that the appellant would not be at

risk on return to Iraq and that his return to that country would not breach his human rights.

6. The appellant sought permission to appeal against that decision to the Upper Tribunal. In his grounds of appeal, which were drafted by himself, he said *inter alia* that he disagreed with the judge's findings.

7. Permission was granted in the First-tier Tribunal on the basis that the judge arguably erred by failing to take account of the necessarily brief format of the screening interview and by failing to consider that the subsequent accounts could be an elaboration rather than a contradiction of the account at that interview.

8. The matter then came before me and both parties made submissions. I shall address the submissions in the discussion which follows.

Discussion

9. As clarified by Mr Brown, the grounds of appeal in this case consisted only of those drafted by the appellant. Those grounds were, it has to be said, significantly lacking in substance and amounted essentially to a disagreement with the judge's decision and an attempt by the appellant to re-state his case. It is somewhat surprising, therefore, that permission was granted by the First-tier Tribunal. Indeed there was little that Mr Brown could say by way of a challenge to Judge Hatton's decision, as he readily admitted. He accepted that the best that he could do was to point out the judge's references, at [23], [29], [33] and [69] of his decision, to the screening interview and submit that the judge, having noted the brief format of the screening interview, ought to have considered if the appellant's subsequent evidence was simply an elaboration on his answers at that interview rather than a contradiction.

10. However, as Mr McVeety properly submitted in response, the judge was not precluded from considering the screening interview and inconsistencies arising from the appellant's evidence at that interview, as per the guidance in YL (Rely on SEF) China [2004] UKIAT 00145, when he clearly considered it in the context of the evidence as whole. Furthermore, again as Mr McVeety submitted, the references to the screening interview in the paragraphs mentioned by Mr Brown formed only a very minor part of the judge's findings. From [22] to [77] Judge Hatton made detailed and cogent findings on the appellant's evidence arising from his statement, his substantive interviews and his oral evidence, identifying numerous significant and material inconsistencies in the accounts provided therein, in all aspects of the appellant's claim.

11. Having clearly identified and set out those many inconsistencies and discrepancies in the appellant's evidence the judge concluded at [73] that the appellant's evidence was unreliable and that the incidents he claimed to have taken place did not happen as described. At [86] he concluded that the appellant's credibility was undermined so significantly that he was unable to accept the substance of his protection claim save for accepting that he was an Iraqi national of Kurdish ethnicity from the IKR. He found that the appellant would not be at any risk on return to Iraq and that he would be able to access

the relevant documentation to enable to return safely to the IKR. That was a conclusion which was based upon a detailed and careful assessment of all the evidence, it was fully and cogently reasoned and it was one which was entirely open to the judge on the basis of that evidence.

12. For all of these reasons I find no errors of law in Judge Hatton's decision. I uphold his decision.

Notice of Decision

13. The making of the decision of the First-tier Tribunal did not involve an error on a point of law requiring it to be set aside. The decision to dismiss the appeals stands.

Anonymity

The First-tier Tribunal made an order pursuant to rule 13 of the Tribunal Procedure (First-tier Tribunal)(Immigration and Asylum Chamber) Rules 2014. I continue that order pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008.

Signed: S Kebede
Upper Tribunal Judge Kebede

Judge of the Upper Tribunal
Immigration and Asylum Chamber

27 January 2023