



**IN THE UPPER TRIBUNAL**  
**IMMIGRATION AND ASYLUM CHAMBER**

Case No: UI-2024-000859

First-tier Tribunal No: PA/53091/2023  
LP/03316/2023

**THE IMMIGRATION ACTS**

**Decision & Reasons Issued:  
On 21 June 2024**

**Before**

**UPPER TRIBUNAL JUDGE SHERIDAN  
DEPUTY UPPER TRIBUNAL JUDGE FARRELLY**

**Between**

**RP  
(ANONYMITY DIRECTION MADE)**

Appellant

**and**

**The Secretary of State for the Home Department**

Respondent

**Representation:**

For the Appellant: Mr Spurling, Counsel, instructed by Sediqi and Sediqi, solicitors.  
For the Respondent: Mr Banham, Senior Home Office Presenting Officer

**Heard at Field House on 20 May 2024**

**Order Regarding Anonymity**

Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, the appellant is granted anonymity.

No-one shall publish or reveal any information, including the name or address of the appellant, likely to lead members of the public to identify him. Failure to comply with this order could amount to a contempt of court.

**DECISION AND REASONS**

## **Introduction**

1. The appellant is a Kurdish national of Iran . He claimed protection based on political opinions expressed in Iran, including distribution of leaflets for the Kurdish Democratic party of Iran (the KDPI) ,and his sur place activities in the United Kingdom. His initial claim was refused, and he was unsuccessful on appeal before FtT Judge Greasley. He made a further claim based on ongoing sur place activities. That claim and his subsequent appeal before F tT Judge Farmer was also unsuccessful.

## **Decision of the First -tier Tribunal**

2. His sur place activities involved attendance at demonstrations and social media postings. Central to the claim was his credibility.
3. The judge had regard to the Devaseelan principle and the findings of the FtT Judge Greasley who did not accept he had given a truthful and credible account about the distribution of leaflets in Iran. FtT Judge Geasley had concluded his Facebook activity would not place him at any risk.
4. FtT Judge Farmer said that there was no new evidence about his activities in Iran which would cause her to depart from the findings of FT Judge Greasley and she concluded that he had no profile in Iran. Regarding his sur place activities, the judge considered the additional Facebook posts since the decision of FtT Judge Greasley . FtT Judge Farmer recorded there were over 1000 pages of Facebook entries, though few were translated. The judge indicated she was attaching limited weight to this evidence and added that whilst there was a high quantity of documentation its quality was low .She referred to the possibility of manipulation. The appellant claim to have 5000 followers but this was not discernible from the information provided. The judge concluded that he would not have come to the adverse attention of the authorities because of his Facebook postings, and he could delete his Facebook account. The judge also said there was no particular risk at the point of return. The judge concluded by finding his illegal exit would not place him at risk nor would his Kurdish ethnicity.
5. The judge also considered his attendance at demonstrations. He claimed to have attended thirty protests since his original claim. The judge concluded that his attendance will not have given him a profile, he being one in a crowd of people .

## **Grounds of appeal**

6. On a renewed application before DUT Judge Chamberlain permission to appeal was granted on the basis it was arguable the judge erred in stating the new evidence consisted solely of the Facebook evidence. Arguably she erred in saying the appellant was not an activist given he had provided over 1000 pages from his Facebook account and had attended over 30 demonstrations. It was also arguable the judge incorrectly stated Ft Judge Greasley had found he did not have genuine political beliefs. Finally, it was arguable the judge failed to consider matters cumulatively, including his ethnicity and failed to engage with whether he would continue his activities in Iran.

## **Submissions**

7. Mr Spurling relied upon the grounds for which permission had been granted. Ground one was that the judge did not adequately engage with why he would not carry out political activity in their home country. Reference was made to the decisions of HJ Iran and RT (Zimbabwe).
8. The second ground suggested the judge did not correctly apply the Devaseelan principal and the findings on the appellant's political opinions were flawed. Reference was made to paragraph 19 where the judge stated that new evidence solely related to Facebook posts. In fact, he had taken part in over 30 demonstrations. At paragraph 24 the judge found the appellant could not be described as an activist yet this was at odds with posting over 1000 pages in his Facebook account and attendance at multiple demonstrations.
9. Regarding concealment if returned, FtT Judge Farmer said this did not arise because he did not have genuinely held political opinions (para 29). She said FtT Judge Greasley had made findings to this effect. Whilst FtT Judge Greasley had rejected his account of assisting the KDPI it was argued before us he did state he did not have genuinely held political beliefs.
10. Mr Spurling was not Counsel in the First-tier tribunal hearing and was unable to say if these distinctions were made before FtT Judge Farmer.
11. Mr Banham accepted that FtT Judge Greasley had not specifically found the appellant had no political views but submitted that the Devaseelan principal had been correctly applied and the judge independently made her own findings. This was reflected for instance at paragraph 29 of the decision where she uses the expression 'I have found...' She also considered his attendance at demonstrations and a reference to this can be seen at paragraph 20 of the determination.
12. In response, Mr Spurling questioned this and suggested she had relied upon the findings of FtT Judge Greasley. He suggested that this can be seen at paragraph 27 of the determination where FtT Judge Farmer stated the appellant did not have genuine political beliefs and was not politically active in Iran and his activity here was low-level and moderate and for the purpose of promoting his claim. Mr Spurling submitted paragraph 27 amounted to statements without explanation.

## **Analysis**

13. When considering any potential error of law, it is important to look at the decision in the round rather than forensically dissect it, placing undue meaning on isolated passages. FtT Judge Farmer applied Devaseelan in relation to the earlier decision of FtT Judge Greasley. She did not simply follow that decision but built upon it. At paragraph 12 she sets out the Devaseelan concept. She was aware of the history behind the appeal and the details of the fresh claim. Specifically, she had regard to further Facebook posts and his involvement in demonstrations after the earlier determination. She cited and applied the relevant case law in relation to these activities. She referred to the details of FtT Judge Greasley's determination, including the finding that the appellant had not given a truthful or credible account about events in Iran and the reasons for this conclusion. It is correct that FtT Judge Greasley does not specifically say the

appellant has no political opinion, but it can be inferred he was not being truthful and had not been politically active in Iran.

14. The emphasis in the second appeal was on sur place class activities. FtT Judge Farmer considers the risk on return and his subsequent activities here. She gave sustainable reasons for finding he was not someone who could be described as an activist. Details are set out in paragraph 24. She also considers his attendance at demonstrations and his acceptance that he played no significant role but was merely one of a crowd.
15. She concludes his involvement would not place him at risk on return and this was a finding open to her. At paragraph 27 she turns to the issue of deletion of his account. She independently finds that he does not hold genuine political beliefs. It is important to note that she has made her own findings, independent of FtT Judge Greasley's findings.
16. The decision of FtT Judge Farmer is comprehensive, and the conclusion is sustainable, supported by detailed and cogent reasons. The legal principles have been properly applied. We do not find it established that there is any material error of law.

### **Notice of Decision**

17. The decision of the First-tier tribunal did not involve the making of an error of law and stands.

**Farrelly** **Deputy Upper Tribunal Judge**

Francis J Farrelly  
Judge of the Upper Tribunal  
Immigration and Asylum Chamber.