



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM
CHAMBER

Case No: UI-2024-003120
First-tier Tribunal No:
PA/60104/2023

THE IMMIGRATION ACTS

**Decision & Reasons Issued:
On the 16 October 2024**

Before

**UPPER TRIBUNAL JUDGE KAMARA
UPPER TRIBUNAL JUDGE GREY**

Between

**SO
(ANONYMITY ORDER MADE)**

and

Appellant

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms S. Rushforth, Senior Home Office Presenting Officer
For the Respondent: Mr A. Islam, Counsel instructed by Fountain Solicitors

Heard at Field House on 9 October 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 the appellant. Failure to comply with this order could amount to a contempt of court.

DECISION AND REASONS

1. The appellant appeals against the decision of First-tier Tribunal Judge Taylor ('the Judge') promulgated on 30 May 2024 dismissing his appeal

against the respondent's decision to refuse his protection and human rights claim.

2. The appellant applied for permission to appeal to the Upper Tribunal on 13 June 2024 on the grounds the Judge misdirected herself in assessing the appellant's evidence from Facebook and had failed to provide adequate reasoning in various respects, including in relation to:
 - 1) The finding that males at risk of honour crimes do not form a particular social group ('PSG') for the purposes of the Refugee Convention;
 - 2) Not accepting the appellant's account of his problems arising from a relationship in Iraq and the consequent risk of harm to him on return;
 - 3) The claimed risk to the appellant on account of his political activities in Iraq and the United Kingdom; and
 - 4) The findings regarding the appellant's ability to obtain his identity documentation in Iraq.
3. Permission to appeal was partially granted by First-tier Tribunal Judge Dainty on 4 July 2024. Judge Dainty determined that it was arguable there was inadequate reasoning in respect of the Judge's findings on the Convention reason and any risk arising from the appellant's claimed political activities in Iraq. Judge Dainty found it was arguable that the Judge had made a material error at [27] of the decision in wrongly interpreting the screenshots from Facebook. However, Judge Dainty found the grounds relating to insufficiency of reasons in relation to the other matters were not made out and that any insufficiency of reasoning in respect of the Convention reason was not material in light of the Judge's sustainable findings on the appellant's account of his claimed relationship in Iraq. The permission decision concludes:

"what remains is errors pertaining to political activities in Iraq and also analysis of risk flowing from those activities and flowing from the (unassailable findings made as to sur place activities and the threats alleged to have made to the Appellant via Facebook message (*sic*)"

The Judge's decision

4. The Judge heard evidence from the appellant and made the following findings which are relevant to the grounds of appeal for which permission has been granted. In relation to political activities in Iraq the decision states at [25]:

"The appellant claims that political activities in Iraq and the UK would place him at risk on return and that he has received threats through Facebook messenger. The appellant has provided stills of a video he says is of him attending a demonstration. The appellant has asserted that he attended a demonstration in Iraq 2017 (*sic*) and accepted in his oral evidence that he had not received any adverse attention in

Iraq. I do not accept that the images, which the appellant states are available online, would now, cause issues for the appellant.”

5. The Judge went on to find the evidence showed the appellant’s attendance at only one demonstration in the UK and that his sur place activity was *“particularly low and not indicative of genuinely held political belief”*.
6. In relation to the screenshots from Facebook the decisions states at [27]:

“The appellant has provided screenshots from Facebook messenger. The appellant states that these messages are threats from a tribe member. The messages refer to the appellant being found and beheaded, telling him to delete posts and there is also a message from June 2018 which states, “you are the person I love more than myself only you are my only one.” This message, from June 2018 is somewhat contradictory to the other messages. The only other visible dates are 19 August 2019 and 05 December 2019. The appellant entered the UK on 12 April 2020. The only dateable messages were therefore received when the appellant was in Iraq. The appellant stated in his oral evidence that he did not receive any adverse attention when in Iraq and that he did not have Facebook in Iraq. It is unclear how the appellant could be posting on Facebook, when in Iraq, whilst also not having Facebook. I do not accept that these messages are genuine threats. It would simply be impossible for the appellant to receive threats about posts, at a time when he was not posting because, on his own evidence, he had no access to Facebook.”
7. In dismissing the appellant’s asylum appeal the Judge concluded that she did not accept the appellant has genuinely held political beliefs nor has he undertaken any political activity, which has, could or would bring him to the adverse attention of the Iraqi authorities.

Grounds and submissions before us

8. It was accepted by both parties that the grant of permission was on limited grounds and the only matters before us related to the appellant’s political activities in Iraq and any risk arising from those, and relevance of the material from Facebook.
9. Mr Islam referred to us to the Judge’s findings at [25] of the decision and submitted that the Judge had not made a negative finding in respect of the appellant’s claim to have attended a demonstration in Iraq in 2017. He submitted that the Judge had undertaken too limited an assessment in determining that the appellant would not come to the adverse attention of the authorities and had failed to take account of relevant background evidence. He referred us to [14.1.4] and [14.1.9] of the Country Policy and Information Note - Iraq: Opposition to the government in the Kurdistan Region of Iraq (KRI) (‘CPIN’) and submitted that the Judge had failed to consider the treatment the appellant may encounter as a result of his attendance at the demonstration. Further, in light of his attendance at the demonstration in Iraq he submitted that the appellant’s account regarding sur place activities was more likely to be credible. On this matter we reminded Mr Islam of the limited grant of permission.

10. In relation to the Facebook screenshots Mr Islam submitted that the Judge had misconstrued the evidence because the screenshots were not in fact from a Facebook account in the appellant's name but were from an account in a third party's name and from Facebook Messenger. The person in question was said to be named 'Twana Jaf' who it is said issued threats against the appellant sometime after 2019. Mr Islam stated that his instructions were that the screenshots which were from posts in 2018 and 2019 were solely produced to show the person whose Facebook account it was.
11. In Mr Islam's submission the Judge's incorrect interpretation of the screenshots from Facebook led her to conclude that his account of political activities in the UK was not genuine. Had she understood the evidence she would have reached a different conclusion in relation to the appellant's sur place activities.
12. Ms Rushforth relied on the respondent's Rule 24 response. Relying on Azizi [2024] UKUT 00065 she submitted that the Judge gave sufficiently reasoned findings at [25] of the decision, particularly in light of the fact the appellant had stated in oral evidence that he had not come to the adverse attention of the authorities in Iraq. Ms Rushforth observed that the appellant's grounds did not particularise which background material the Judge should have referred to when assessing the appellant's risk on return based on his political activities and the CPIN had only now been referred to in Mr Islam's submissions.
13. In relation to the Facebook evidence Ms Rushforth submitted that it was unsurprising that the Judge may have been confused by the evidence. Despite Mr Islam's attempt to provide a detailed explanation of what the evidence was purporting to show and its relevance, the evidence was still unclear. The message or posts relied upon were undated. Even taking the evidence at its highest, the Judge would have reached the same conclusions.

Conclusions and reasons

14. We have considered the evidence before the Judge and given at the hearing. It is apparent there was very little material before the Judge in relation to the appellant's claimed political activities. The clear focus of the appellant's statement and the appeal skeleton argument was in respect of the appellant's claimed relationship rather than any political activities.
15. At [9] of the appellant's statement dated 27 March 2024 he refers to attending just one demonstration in Piramagroon in 2017 which he describes as relating to economic factors such as electricity, salary and lack of services from the government. The appellant adduced some still images from a video which is claimed to relate to the demonstration he attended. At [23] of the decision the judge made clear, sustainable findings in relation to the photographs the appellant provided in support of his claim.

16. The CPIN at [14.1] refers to arrests and detentions of political activists in the KRI in 2020 and 2021. Whilst it is accepted that there has been ill treatment of political activities in the KRI it is unclear to us how the background evidence advances the appellant's case since this was not his account of his experience. The appellant claims to have attended just one demonstration in 2017. It is not known in which month. He entered the UK in April 2020 having remained in Iraq for at least two years, possibly three, after (he claims) attending the demonstration. He does not claim to have been arrested or detained following his attendance and stated in oral evidence that he has not received any adverse attention in Iraq as a result of any political activities. Even if the appellant did attend a single demonstration there was no evidence before the Judge to indicate that he would now be wanted by the authorities at least seven years later, when, on the appellant's own evidence, he wasn't of interest to the authorities in the years closely following this event. We conclude that the Judge's findings were entirely sufficient on the basis of the limited evidence before her and we find she made no error of law in this regard.
17. Turning to the Facebook evidence we accept Ms Rushforth's submission that it is still not clear what to make of this evidence. It was not possible to identify which screenshots correspond with the translations provided; for example Mr Islam stated that the screenshot page 26 of the bundle was translated at pages 33 and 34. From his instructions, it was submitted by Mr Islam that the screenshots contained a death threat to the appellant which post-dates his arrival in the UK in 2020. However, as observed by the Judge, the only visible dates in this evidence are from 2018 and 2019.
18. We were not referred to anything in the appellant's evidence that sought to explain the relevance of this Facebook evidence or how the appellant obtained it. In these circumstances it is not at all surprising that the Judge may have been confused by the evidence, if that was the case.
19. Even if there was an error of fact made by the Judge due to the confusion arising from this evidence, of which we are not persuaded, we do not accept this would amount to a material matter which would have affected the outcome of the appeal. Our assessment of the evidence in question is that it is incapable of attracting any weight and establishes nothing. We take into account the ease at which an apparent printout or electronic excerpt of an internet page can be manipulated as observed in XX (PJAK - sur place activities - Facebook) Iran CG [2022] UKUT 00023 (IAC). We also take into account that there are no dates on the screenshots for any posts or messages after 2019.
20. Accordingly, we dismiss the appellant's appeal and uphold the decision of the First-tier Tribunal.

Anonymity

21. We maintain the anonymity order made by the First-tier Tribunal.

Notice of Decision

The making of the decision of the First-tier Tribunal did not involve the making of an error on a point of law. We do not set aside the decision but order that it shall stand.

S E A Grey
Judge of the Upper Tribunal
Immigration and Asylum Chamber

14 October 2024