



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

Appeal Number: AA/00972/2013

THE IMMIGRATION ACTS

**Heard at Manchester
On 7th June 2013**

**Date Sent
On 8th July 2013**

Before

**MR C M G OCKELTON, VICE PRESIDENT
DEPUTY UPPER TRIBUNAL JUDGE MCCLURE**

Between

**MR EHSAN ZAHEDI
(NO ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms Khan, instructed by Jackson & Canter Solicitors
For the Respondent: Mr Harrison, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. The Appellant, Mr Ehsan Zahedi date of birth 21st July 1981, is a citizen of Iran.

2. We have considered whether any of the parties require the protection of an anonymity direction. Having considered all the circumstances and all the evidence presented we do not consider it necessary to make an anonymity direction.
3. This is an appeal by the Appellant against the determination of First-tier Tribunal Judge Law. The judge dismissed the Appellant's appeal against the decision of the Respondent to remove the Appellant from the United Kingdom after refusing the Appellant asylum, humanitarian protection or other relief under the ECHR or the Immigration Rules. The judge heard the appeal on 19th March 2013. Permission to appeal against that decision was granted on 24th April 2013. Thus the matter now appears before us to determine in the first instance whether or not there was an error of law in the original determination.
4. The first point made by the Grounds of Appeal is that it is alleged that the judge failed to make clear findings of fact and failed to take account of evidence. That in part relates to the Appellant's claim to be a tattoo artist. It is the Appellant's claim that as a tattoo artist he would be at risk on being returned to Iran as tattoos are considered un-Islamic and the Appellant claims that those that have tattoos and those that tattoo individuals are at risk of mistreatment and harm from the authorities within Iran.
5. That in part raises two issues. Firstly whether or not the Appellant is a tattoo artist and secondly whether tattoo artists and persons with tattoos are at risk by reason of either of tattooing others or being tattooed.
6. With regard to the second question the Appellant's representative sought to rely upon extracts from the bundle of documents submitted before Judge Law. The pages specifically referred to are page 79, 81, 84 and 85.
7. With regard to page 79 that indicates that Iran has banned tight jeans and tattoos at some universities. The specific reference provides:-

"Iran has enforced a stricter Islamic dress code at a number of universities including a ban on female students wearing long nails, bright clothes and tattoos, a local news agency reported on Monday.
...
The new rules ban women from 'wearing caps or hats without scarves, tight and short jeans, and body piercing,' except earrings, Fars said.
It said tattoos, long nails, tooth gems, tight overcoats and bright clothes were also banned."
8. The ban appears specifically to relate to women. Lower down the page the reference to male students makes no reference at all to tattoos being banned in respect of men.

9. Page 81 deals with the specific arrest of twelve individuals allegedly promoting Satanism. That involves the promotion of Satanism through underground music and the production of blasphemous video clips. There is no specific reference to Satanism involving tattoos within the cited passage. Page 84 is a similar reference with regard to that incident which again makes no reference to tattoos.
10. The references relied upon to prove that individuals with tattoos are at risk within Iran does not support that contention. Certain universities have banned women with tattoos but otherwise there is no reference to arrest of individuals merely by reason of the fact that they have tattoos. The references otherwise indicate that individuals that are thugs or otherwise involved in criminal activity, who happen to also have tattoos, have been arrested but the arrest is not by reason of the fact that they have tattoos. Further there was no evidence at all that those that are tattoo artists were arrested for tattooing individuals.
11. Without the evidence to support the contention that tattoo artists are at risk the challenge to Judge Law's determination in that respect is not made out. It is to be noted that the Appellant wanted the judge to look at his "Facebook page" to confirm that he was in fact a tattoo artist. Before us issues were raised relating to his facebook page resulting in us looking at the page on-line.
12. Besides the details with regard to the Appellant being a tattoo artist there were other details on the Facebook page. An examination of the Facebook page indicated that the Appellant had on and after 8th November 2012 uploaded new photographs to his Facebook page and had answered a series of comments by individuals about his new Facebook page. There was nothing on facebook, which could impact on the judge's assessment taking account of the matters set out above.
13. It was also asserted in the Grounds of Appeal that Judge Law failed to make a finding as to whether or not the Appellant was an employee of a company and the editor of the company's magazine. With respect that does not take account of what Judge Law says in his determination. It is evident from paragraph 26 of the determination that the judge is proceeding on the basis that the Appellant had in fact been the publisher of a magazine within his workplace. He takes account of the fact that the authorities had checked the contents of the magazine and had not questioned the contents of the magazine. The judge examined then whether or not the claimed consequences from the Appellant being an editor were credible. The judge finds that he does not find it credible that the Appellant would be blamed and did not find in the circumstances that the claimed raid of the Appellant's home had taken place. It is clear however that the judge was attempting to assess the Appellant's story on its own terms.
14. The judge had proceeded on the basis that the Appellant had been the editor of the company magazine but found that others had considered the

poems submitted by the Appellant. Those others had passed the poem for publication. As Sepah had not attended to arrest the Appellant and as the Appellant himself says that the poem is not anti-Islamic there is no evidence that the Appellant was suffering any problems from the authorities by reason of his position of being an editor of a magazine.

15. We have to say that a careful examination of the Appellant's Facebook page certainly indicates that the Appellant, who was allegedly in hiding at the time, was managing to update his Facebook page with new photographs and answering comments from individuals about his Facebook page without any apparent qualms. The Appellant had asserted that Sepah had raided his home and had taken away his computer. Sepah could have access to his Facebook page and could therefore be aware of the activities of the Appellant. Such conduct on the part of the Appellant we do not find would be consistent with an individual that was in hiding and seeking to avoid the authorities. This evidence was not before Judge Law, but it gives no cause to doubt his conclusions.
16. However Judge Law did note that the Appellant had certainly gone to Tehran and had openly gone into the Italian Embassy and sought to obtain a visa for Italy. The judge did not consider that that was the actions of an individual that was in hiding.
17. The judge has given valid reasons for finding that the Sepah did not raid the Appellant's home and seize the Appellant's computer and seek to arrest the Appellant.
18. That raid in part arose from the assertion that the Appellant would be seen as a supporter of Satanism because he had tattooed certain people. However there was no evidence of arrest of others, for example those bearing these tattoos. The judge again did not find that the Appellant was in any way associated with Satanism or devil worship.
19. In the circumstances the judge has carefully assessed the evidence that was presented before him. He has made findings of fact based on the evidence and has acted upon the basis that the Appellant was the editor of the magazine in question. The judge thereafter has concluded the Appellant was not at risk of persecution or serious harm by reason thereof. Those were findings of fact that the judge was entitled to make on the basis of the evidence. There is accordingly no material error of law within the determination.
20. The appeal is therefore dismissed.

Signed

Date

Deputy Upper Tribunal Judge McClure