



**Upper Tribunal  
(Immigration and Asylum Chamber)  
AA/00194/2015**

**Appeal Number:**

**THE IMMIGRATION ACTS**

**Heard at Field House**

**On 5<sup>th</sup> April 2016**

**Decision & Reasons  
Promulgated  
On 22<sup>nd</sup> April 2016**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE RENTON**

**Between**

**SS  
(ANONYMITY DIRECTION MADE)**

Appellant

**And**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr A Chakmakjian, Counsel, instructed by Fadiga & Co Solicitors

For the Respondent: Mr S Kandola, Home Office Presenting Officer

**DECISION AND REASONS**

**Introduction**

1. The Appellant is a female citizen of Iran born on 13<sup>th</sup> December 1982. Her immigration history is set out in my Decision dated 25<sup>th</sup> September 2015. On that occasion, I found an error of law in the decision of First-tier Tribunal Judge M Khan to dismiss the Appellant's appeal under the

Immigration Rules and on human rights grounds. The appeal was then adjourned for the re-making of the decision of the Judge.

### **Hearing**

2. At the adjourned hearing before me, there was no further evidence. However, I did hear submissions from both representatives. Mr Kandola addressed me first when to begin with he said that he relied upon the comments made in the refusal letter. The findings of the First-tier Judge as to credibility were retained, and therefore the issue in the appeal is whether the Appellant's sur place activities in the UK for a political group known as MEK placed her at risk on return. In this respect, Mr Kandola argued that the Appellant was not at risk on return. Her activities in the UK had received only a limited coverage in the media, for example, a report in the Southern Echo. The Iranian Embassy had been asked to comment upon that report, but had declined to do so. There had been reference to the Appellant's activities on a website, but that was not a mainstream website and may not have attracted the interest of the authorities in Iran. The First-tier Tribunal Judge had doubted the reasons for the Appellant's political activities in the UK, but that was irrelevant. The Appellant had not been a prominent political activist in the UK and her limited activities and low exposure meant that she was not at any real risk on return to Iran. The Appellant did not meet the criteria for those at risk on return given in **BA (Demonstrators in Britain - Risk on Return) Iran CG [2011] UKUT 36 (IAC)**. The Appellant held no genuine political beliefs and therefore the decision in **HJ (Iran) [2010] UKSC 31** had no application.
3. In response, Mr Chakmakjian argued that the Appellant's political activities in the UK would put her at risk on return to Iran. He referred to the expert report of Ms Enayatt and said that the MEK attracted special interest from the authorities in Iran. It was a small group, but that would facilitate the Iranian authorities in monitoring the activities of new members. The activities of the Appellant had already been brought to the attention of the Iranian Embassy by the approach of the Southern Echo. In addition, the Appellant's Iranian passport had now expired. To return to Iran, the Appellant would have to apply for a travel document which would disclose her immigration history.

### **Findings**

4. The facts which are not in dispute are that during her time in the UK the Appellant has been a sympathiser and a supporter of the MEK who has attended a number of their demonstrations. One of them, which had taken place on 25<sup>th</sup> March 2015, had involved a demonstration outside Westminster and a march through Parliament Square. The expert evidence is that the Iranian intelligence services have a particular focus on the MEK. Anyone returning to Iran who is suspected of being associated with the MEK will be detained and interrogated. Such interrogation is reasonably likely to include torture and eventually lengthy imprisonment or even the death sentence.

5. It was established in **BA** that the Iranian authorities go to some lengths to identify political activists in the UK supporting organisations opposed to the Iranian Government. Although it may be the case that the Appellant has not been a leading activist, nevertheless I find that there is a reasonable likelihood that this Appellant will have come to the attention of the authorities. As already mentioned, the MEK is an organisation in which the Iranian authorities take a particular interest. The Appellant's existence and beliefs have already been brought to the attention of the Iranian Embassy through the approach of the Southern Echo. In addition in order to return to Iran the Appellant will have to approach the Iranian Embassy for a travel document and enquiries there may well reveal her position. Of lesser significance, the Appellant's photograph at a demonstration has appeared on a news website.
6. In my view, this is a sufficient level of involvement in anti-Government activities to bring the Appellant to the attention of the Iranian authorities thereby satisfying the criteria given in **BA**. I therefore allow the appeal on asylum grounds.
7. I allow the appeal on asylum grounds.

### **Anonymity**

The First-tier Tribunal made an order for anonymity which I continue as a consequence of allowing the appeal.

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

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

Signed

Date

Deputy Upper Tribunal Judge Renton

### **TO THE RESPONDENT** **FEE AWARD**

No fee is paid or payable and therefore there can be no fee award.

Signed

Date

Deputy Upper Tribunal Judge Renton