



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

Appeal Number: PA/00269/2017

THE IMMIGRATION ACTS

**Heard at Newport
On 8 November 2017**

**Decision & Reasons Promulgated
On 23 November 2017**

Before

UPPER TRIBUNAL JUDGE RINTOUL

Between

**S G I
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: In Person

For the Respondent: Mr I Richards, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant appeals with permission against the decision of First-tier Tribunal Judge A D Baker promulgated on 27 February 2017, dismissing his appeal against a decision of the respondent to refuse to grant him asylum and humanitarian protection made on 29 December 2016.
2. In summary, the appellant's case is that he is at risk on return to Iran as he had become unwittingly involved in an adulterous relationship. He had not realised the person he considered to be his girlfriend SA, was married and they were caught together by her husband. Court proceedings have been instigated against him in Iran and he fears punishment as a result.

3. The respondent did not accept the appellant's account of his relationship, or how it had development or his account of being able to escape from the room in which he had been detected by the husband of SA.
4. The judge found:
 - (i) that in the context of strict moral values in Iranian society it was not credible that the appellant had on a regular basis picked up SA from the road in which she lived even were she divorced as he believed [21] or that she would have visited and accompanied by a chaperone;
 - (ii) that they had met when he had offered her a lift was also undermining of his credibility nor did she accept that SA would have repeatedly have run the risk of being seen getting into a vehicle near her home in the same street with an unknown male or being in a vehicle with him un-chaperoned [22]; that it was implausible that the husband would have arrived at the appellant's house and believed that SA was with him rather than with the friend next to whom she was sitting [23];
 - (iii) that it was implausible that the appellant could have escaped the physical chastisement consequent on the husband having forced himself into the room [24];
 - (iv) But having had regard to **Tanveer Ahmed** that she was not satisfied by the documents produced that the appellant was of any adverse interest to the State, the documents not identifying a reason that he was wanted and did not show that he was wanted for the claimed adultery [25];
5. The appellant sought permission to appeal on the grounds that the judge had erred:
 - (i) in failing to have proper regard to the background evidence supplied highlighting the contradictions in Iranian society between the official prohibition on extramarital relationships and reality thus making the appellant's account of how the relationship had begun and had continued to be plausible [3] to [5];
 - (ii) in failing to provide proper reasoning as to why the account of the appellant's escape was not plausible, it being probable that the husband of SA knew that it was the appellant not his friend who was "involved with" SA [7]; it being evident he was acting on previously obtained information [7];
 - (iii) that the judge's assessment that the appellant could not have escaped without injury was undermined by failure to consider the appellant's evidence.
 - (iv) that the judge failed properly to apply **Tanveer Ahmed** to the documents provided;

6. On 14 September 2017 Upper Tribunal Judge Blum granted permission on all grounds.
7. When the matter came before me, there was on file a letter from the appellant's previous representatives, Elder Rahimi Solicitors, stating that the appellant had ceased to instruct them and will be representing himself.
8. The appellant attended and was assisted by an interpreter. I arranged for the grounds of appeal and the grant of permission to be translated for him.
9. The appellant stated that he had contacted his solicitors who had informed him that they did not consider it necessary to have a meeting prior to the hearing. He had disagreed with that and had told them that he wished to represent himself. He added that he had changed his mind and had sought to contact them again but without success. He did, however, expressly state to me that he was content to proceed with the hearing.
10. I explained to the appellant the purpose of the hearing was to determine whether or not the decision of the First-tier Tribunal involved the making of an error of law. I explained that it was not a rehearing of his appeal and it was for him to identify errors made by the judge. The appellant, in his submissions, sought to give further evidence about what had occurred in that SA had been sitting next to his friend Hamed, was only a teenager therefore it was unlikely there would be a relationship. He then went over his evidence about how he was able to escape.
11. Mr Richards, relying on the Rule 24 notice submitted that the judge had been entitled in the light of the evidence produced to conclude that the appellant had not told the truth about his relationship, either as to how it had developed, how it had continued or as to the account of how he had been able to escape. He submitted further that there was no error with respect to **Tanveer Ahmed**.
12. It is evident from the decision at [19] to [20] that the judge had considered the background information supplied by the appellant's representatives. Whilst there is no express reference to the material showing that, contrary to the law, people do undertake hazardous extramarital relationships, the context of this case must be borne in mind. The context is not a relationship between two single people but one of adultery where it is alleged that SA was collected regularly from the road in which she lived. The appellant picked her up in his vehicle. The risks are obvious and the grounds fail properly to identify that the material shows that this type of behaviour is commonplace. Further, the article cited in the ground identify that there are significant and serious consequences for people who do go against the State mores.
13. Contrary to what is averred in the grounds at [6] the judge gave adequate and sustainable reasons for doubting this aspect of the case. This is, as the respondent submits, simply a disagreement and in the context of the

reasoning in the decision at [24] it does not disclose any error in the reasoning.

14. What is averred in the grounds at [7] - that it was probable that SA's husband knew that it was the appellant and not his friend was involved is speculative. The challenge to the findings at paragraph 24 are also lacking in merit. The finding is not perverse nor could it be construed that the judge considered that injured during a physical altercation is not inevitable but it was but that he gave adequate and sustainable reasons for her finding that the account of the altercation was not plausible. The judge relying also on inconsistencies in the account to which she was entitled to do.
15. It cannot be said that the judge failed properly to apply **Tanveer Ahmed**. As the respondent submits, the point is that the documents did not identify why the appellant was wanted nor did it show that he was wanted for adultery. The judge clearly applied the principles set out in **Tanveer Ahmed** and gave adequate and sustainable reasons for not attaching weight to the documents. Contrary to what is averred in the grounds at [9] the judge did not find that the documents were forged, merely that they were not reliable.
16. For these reasons, I am satisfied that the decision of the First-tier Tribunal did not involve the making of an error of law and I uphold it.

SUMMARY OF CONCLUSIONS

1. The decision of the First-tier Tribunal did not involve the making of an error of law and I uphold it.
2. I maintain the anonymity order made by the First-tier Tribunal

Signed

Date 22 November 2017



Upper Tribunal Judge Rintoul