



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

Appeal Number: PA/03316/2017

**THE IMMIGRATION ACTS**

**Heard at Liverpool  
On 4 December 2017**

**Decision and Reasons  
Promulgated  
On 11<sup>th</sup> December 2017**

**Before**

**Deputy Upper Tribunal Judge Pickup**

**Between**

**ALI MOHAMMED RAZAAI  
[No anonymity direction made]**

Appellant

**and**

**Secretary of State for the Home Department**

Respondent

**Representation:**

For the appellant: Ms N Patel, instructed by Lei Dat Baig Solicitors  
For the respondent: Mr A McVeety, Senior Home Office Presenting Officer

**DECISION AND REASONS**

1. This is the appellant's appeal against the decision of First-tier Tribunal Judge Lloyd-Smith promulgated 15.5.17, dismissing his appeal against the decision of the Secretary of State, dated 20.3.17, to refuse his protection claim.
2. The Judge heard the appeal on 3.5.17.
3. First-tier Tribunal Judge Macdonald granted permission to appeal on 19.9.17.
4. Thus the matter came before me on 4.12.17 as an appeal in the Upper

Tribunal.

*Error of Law*

5. For the reasons summarised below, I found no error of law in the making of the decision of the First-tier Tribunal such as to require the decision to be set aside.
6. In granting permission to appeal, Judge Macdonald considered it arguable that, as asserted in the grounds, the judge misunderstood the evidence and omitted reference to the background material relating to the Iranian judicial system.
7. The Rule 24 response, dated 28.9.17, points out that the case turned on the credibility of the appellant's account and asserts that the judge gave adequate reasons for the adverse credibility findings.
8. Ground 1 relates to the judge's treatment of the evidence that Mr Aziz disclosed to the authorities that weapons and propaganda were stored in the appellant's shop. The judge considered it made no sense for Mr Aziz to have disclosed this information, as it would only make the situation worse for him. The grounds plead that, based on the asylum interview, the correct sequence of events was that information had been passed to the intelligence authorities and that this led to the arrest of Mr Aziz. It is suggested that he may have disclosed the location of the illicit material under questioning and interrogation, leading the authorities to the storage at the shop.
9. However, the ground results from a misreading of the decision. At [13(i)] what the judge found to make no logical sense was the whole of this part of the account, including that Mr Aziz implicated the appellant as the person who knew the people who came to collect the illicit goods, and that he did this in order to save himself from the authorities (see Q95-98). The judge pointed out that this account would not save Mr Aziz at all, but further endanger him, making his situation worse. As Mr McVeety submitted, Mr Aziz would be "dobbing in" not only the appellant but himself. The alternative scenario suggested in the grounds is no more than speculation. The adverse finding by the judge was justified on the evidence from the interview.
10. The second ground criticised the finding at [13(ii)] that it was implausible that a member of the family would go directly to the shop to enquire about what had happened, because given the knowledge of the practices of the authorities, he would fear being implicated. It is submitted that the judge made a material mistake of fact, as the appellant did not say that his brother went directly to the coffee shop to enquire, but only that "he couldn't find anything out the shop was closed." It is suggested that the brother may have made enquiries in the neighbourhood. However, this is again speculation. On the limited evidence, the judge was entitled to

assume that on the appellant's account the brother went to the shop to find out what had happened, but found it was closed. On the evidence, this is the only and obvious explanation. How else could he know the shop was closed? In any event, this complaint is a minor point and barely significant in the light of the overall credibility findings. Even if there is any error of fact, it is not material.

11. The third ground relates to an extract from [13(iv)] quoted in the grounds as to a family member finding out about the case of Mr Aziz within 24 hours of the raid on the shop. Misleadingly, the grounds take a narrow view that it was the claim that the judicial system had been able to operate within 24 hours of the raid. It is complained that the judge had not referred to any background information to suggest that this would be implausible. However, what the judge found implausible was the entire part of this aspect of the appellant's account: that within 24 hours of the raid, the court system would not only have been aware of the case of Mr Aziz but also been able to provide the claimed details in such a short time to a private individual unconnected with the investigation.
12. In essence, the grounds are a disguised attempt to proffer an alternative version of facts and to do so appear to wilfully misread or misinterpret the judge's clear findings. The judge was entitled to make an overall assessment of credibility, in respect of which cogent reasons have been provided. There is no perversity or irrationality in the findings and conclusions.
13. No error of law is disclosed.

*Remittal*

*Conclusion & Decision*

14. The making of the decision of the First-tier Tribunal did not involve the making of an error on a point of law such that the decision should be set aside.

I do not set aside the decision.

The decision of the First-tier Tribunal stands and the appeal remains dismissed on all grounds.

A handwritten signature in black ink, appearing to be 'James', written in a cursive style.

**Signed**

**Deputy Upper Tribunal Judge Pickup**

**Dated**

*Anonymity*

I have considered whether any parties require the protection of any anonymity direction. No submissions were made on the issue. The First-tier Tribunal did not make an order pursuant to rule 13(1) of the Tribunal Procedure Rules 2014.

Given the circumstances, I make no anonymity order.

*Fee Award*

*Note: this is not part of the determination.*

In the light of my decision, I have considered whether to make a fee award pursuant to section 12(4)(a) of the Tribunals, Courts and Enforcement Act 2007.

I have had regard to the Joint Presidential Guidance Note: Fee Awards in Immigration Appeals (December 2011).

I make no fee award.

Reasons: No fee is payable and the appeal has been dismissed.



**Signed**

**Deputy Upper Tribunal Judge Pickup**

**Dated**