



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

Appeal Number: PA/08588/2018

THE IMMIGRATION ACTS

**Heard at Field House
On 14 January 2019**

**Decision & Reasons
Promulgated
On 6 February 2019**

Before

**DR H H STOREY
JUDGE OF THE UPPER TRIBUNAL**

Between

**AKBAR [V]
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr T Hodson, Counsel, instructed by Elder Rahimi
Solicitors (London)

For the Respondent: Ms A Everett, Home Office Presenting Officer

DECISION AND REASONS

1. The appellant is a national of Iran. In a decision sent on 14 August 2018 Judge Row of the First-tier Tribunal (FtT) dismissed his appeal against the decision made by the respondent on 28 June 2018 to refuse his protection claim. The judge did not find the appellant had given a credible account of having been targeted by the authorities in Iran by virtue of his

involvement with Christian house churches or to have genuinely converted to Christianity in the UK.

2. The appellant was successful in obtaining permission to appeal on two grounds (9 and 10) only, both of which took issue with the judge's reliance on significant discrepancies in the appellant's account as to the dates and circumstances of the raid he claimed the Iranian authorities had made of his House Church, as well as in regard to his date of departure. As regards the other grounds, Judge Chalkley of the Upper Tribunal gave reasons for considering them inadequate and the appellant's representatives did not seek prior to the hearing to re-ventilate them, although Mr Hodson did state he still thought them arguable. In such circumstances I consider that the grounds should remain restricted to 9 and 10.
3. The principal basis for the appellant contending that the judge's treatment of the above discrepancies was erroneous was stated as being that the appellant had made it clear during his asylum interview that there had been mistakes in his screening interview. It was said that at both the screening and asylum interview the interpreter made numerous mistakes. The grounds cited the appellant's appeal statement that:

"At my screening interview, the interpreter incorrectly summarised my evidence. At Q2 of my asylum interview, I tried to correct the mistakes. The officer curtailed my correction. The interpreter was from Afghanistan".

It was alleged that the judge "inexplicably states that the appellant provided no explanation for the discrepancies".

4. This objection founders on a number of rocks. To clarify why I have reached this view it is pertinent to set out what the judge said at paragraphs 32-33:

"32. There are aspects of the appellant's account which however are inconsistent. In the screening interview he said that he had left Iran on 15 January 2018, question 3.3. He said that the raid on the church took place on the same day that he left, 15 January 2018, 4.1. The account given in the asylum interview was that the raid on the church occurred on 12 January 2018 not 15 January 2015.

33. In the screening interview he said that he and the rest of the congregation were in a domestic church. A guard had shouted midway through the service that the authorities had come and they fled, 4.1. The account given in the asylum interview is different. He said that he did not go to the church service on that day. He had taken his mother to the doctor and by the time he got to the church he was late. He was about to turn into the street where the church was when he saw a black vehicle with a

flashing light and people in plain clothes were handcuffing Mikael and Murtaz, getting them into the vehicle. He spent the night at his brother's house."

5. From the above several things are clear. First of all, the discrepancies highlighted by the judge included ones that on any reading was highly material. On one account he had said he had been in the House Church when it was raided and escaped half-way through (4.1 of his screening interview). On the other hand, the raid had happened (just) before he arrived at the House Church (Q111-16 of his asylum interview). The materiality of this discrepancy is important because earlier the judge had identified a number of respects in which he disagreed with some of the respondent's reservations. Secondly, the judge addressed the appellant's explanation that these discrepancies arose through "mistakes which he had pointed out to his solicitor". Given that the appellant's solicitors have never made any submission regarding these discrepancies, the judge cannot be criticised for rejecting that explanation. Mr Hodson's submission relies then on the appellant's explanation as recorded in his appeal statement. But this explanation nowhere identifies any mistake in respect of the appellant's recorded accounts of the police raid on the House Church. The appellant signed his screening interview to say he had received a copy of the screening interview (which had recorded him saying at 4.1 that "we were in a domestic church. The Guard shouted midway through a service that the authorities had come. We fled"). At his asylum interview all he mentioned regarding this was:

"I did mention a couple of errors to my solicitor which were rectified. It did not take me 2 to 3 days to get to the UK and also my wife's name was written incorrectly. They said in the interview I fled, from the back door but it did not happen that way."

6. In regard to this statement, the appellant is first of all referring to rectified mistakes which must mean ones rectified during the screening interview or prior to the asylum interview. If they were the former, the record would have already reflected them. If they were the latter, the appellant's solicitors did not inform anyone about them. The first two "errors" mentioned did not concern the raid incident. The final "error" does appear to refer to the raid, but only concerns the location of his exit point (back door or otherwise) and says nothing to otherwise correct or retract what he said in his screening interview in 4.1. Even if the remark "it did not happen this way" is read as referring to the general circumstances of the police raid, that statement is so generalised that it simply cannot be read as a correction of anything other than perhaps the precise route of exit from the House Church. The discrepancy on which the judge primarily relied concerned the difference between being in the House Church and never having entered it at all.
7. Thirdly, given what has already been said, the judge plainly did address the appellant's only proffered explanations for the primary discrepancy.

Further, the appellant had been put on notice by the terms of the respondent's refusal decision that this was considered a serious discrepancy (see paragraph 47 of that decision) and hence it was incumbent on the appellant to offer any specific explanation he had regarding it at the hearing. Yet all he did was recount his asylum interview account.

8. Mr Hodson sought to argue that in view of case law authority it was unsafe to rely on discrepancies between a screening interview and an asylum interview. However, none of the authorities he cited go that far and in the circumstances of this case the judge was entitled to treat as adverse to the claimant a highly material discrepancy between the two interviews which was not given an adequate explanation by the appellant.
9. For the above reasons I conclude that the grounds fail to disclose a material error of law and that accordingly the decision of the FtT judge to dismiss the appeal must stand.

No anonymity direction is made.

Signed

Date: 2 January 2019

A handwritten signature in black ink that reads "H H Storey". The signature is written in a cursive style with a large, looped 'S' at the end.

Dr H H Storey
Judge of the Upper Tribunal