



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

Appeal Number: PA/10578/2019

**THE IMMIGRATION ACTS**

**Heard at Field House (remotely  
by Skype for Business)  
On 9 February 2021**

**Decision & Reasons  
Promulgated  
On 24 February 2021**

**Before**

**UPPER TRIBUNAL JUDGE LANE**

**Between**

**SKN**

**(ANONYMITY DIRECTION MADE)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Ms Rogers

For the Respondent: Mr Melvin, Senior Home Office Presenting Officer

**DECISION AND REASONS**

1. The appellant is a citizen of Iraq who was born in 1978. He appealed to the First-tier Tribunal (Judge Kelly) against a decision of the respondent refusing his claim for international protection. The First-tier Tribunal, in a decision promulgated on 6 August 2020, dismissed the appeal. The appellant now appeals, with permission, to the Upper Tribunal.
2. The appellant claims to fear two separate individuals in Iraq; his former lover (Negar's) husband, Jalil, who had attacked the appellant in 2006 and Khasro, the widower of the appellant's sister in law (Awat) who had committed suicide in 2014 (the appellant claims that Khasro believed she had died on account of a relationship with the appellant). Significantly in the light of what I say below, it had been Khasro (and not Jalil) from whom the appellant appears to have fled in 2018 when Khasro 'and a number of armed men' had in June 2018 come looking for the appellant.
3. Judge Kelly considered the evidence carefully and at [22-29] made findings of fact in the course of which he rejected several challenges to both strands of the appellant's account made by the Secretary of State in the decision letter. Awat is referred to in this section of the decision only at [35] where the judge contrasts the appellant's failure to have his identity documents sent to him from Iraq to the United Kingdom with his ability to bring with him documents concerning Awat's suicide. At [31-37], the judge has set out his reasons for concluding at [38] that the appellant is not a 'witness of truth' who had failed to 'substantiate his claim concerning either his reasons for leaving Iraq or his supposed lack of documentation...'
4. The appellant challenges the decision on the ground that the judge has not given reasons why he rejected the 'Khasro' element of his claim. Ms Rogers, who appeared at the Upper Tribunal initial hearing, submitted that the account as a whole should have been the subject of detailed findings. She rejected the notion that the judge had not 'finished' his decision and that it should be remitted to him to be completed; in her view, the appeal should be remitted to a different judge. She did not, however, either in her submissions or in the grounds raise any challenge to those findings of fact which the judge has made in respect of the 'Khalil' part of the claim.
5. Mr Melvin, who appeared for the Secretary of State, argued, in the first instance, that the decision was sound and that the rejection of the appellant as a witness of truth was sufficient to dispose of all aspects of the appeal. In the alternative, he submitted that the two parts of the claim were severable and that the decision should be returned to Judge Kelly for him to complete it.
6. I find that there is no error of law in this decision such that requires me to set it aside. It is important to examine what the nature of the findings which the judge has made. The judge finds a 'substantial discrepancy' [32] between the appellant's written evidence in March 2019 (in which he speaks of having 'moved on' after Negar had rejected his marriage proposal) and his asylum interview when he refers to having continued his

relationship with her after her marriage. The clear implication is that the appellant has invented an untrue account. Secondly, at [33] the judge focuses on a further discrepancy. The judge records that the appellant has given two different accounts of the attack at his parents' home in 2018. Again, the accounts are so different that it was clearly open to the judge to find that neither was true. At [35] the judge gives clear reasons for rejecting the appellant's account regarding his CSID identity document. Similarly, at [36], the judge gives cogent reasons for finding that the appellant had lied to the respondent and the Tribunal regarding the whereabouts of his passport and, at [37], regarding his reasons for not claiming asylum in Greece. These are all findings which penetrate to the very core of the appellant's credibility as a witness and which, in my opinion, fully entitled the judge at [38] to make the comprehensive finding that the appellant is not a witness of truth; in other words, that no part of his evidence regarding either element of his claim can be relied upon as being true and accurate. It matters not that the parts of the account which led the judge to that comprehensive finding concern only the 'Jalil' element of the account. The problems with that part of the account and the failure of the appellant to claim asylum before he reached the United Kingdom are so serious that the judge was justified in rejecting *all* of the appellant's evidence and to do so without making detailed findings specifically regarding the 'Khasro' parts of the account. It is also clear, in my view, that the judge is speaking of both elements of the appellant's account he rejects the appellant's 'reasons for leaving Iraq' at [38]. I consider that the appellant has been left in no doubt as to the reasons why he lost his appeal; in short, the judge did not believe any part of his evidence.

7. In the circumstances and for the reasons I have given, the appeal is dismissed.

### **Notice of Decision**

The appeal is dismissed.

Signed

Date 9 February 2021

Upper Tribunal Judge Lane

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

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

