



**Upper Tribunal
(Immigration and Asylum Chamber)
PA/01597/2017**

Appeal Number:

THE IMMIGRATION ACTS

Heard at North Shields

On 21st September 2017

**Decision & Reasons
Promulgated
On 17th October 2017**

Before

DEPUTY JUDGE OF THE UPPER TRIBUNAL FARRELLY

Between

**MRS.A.A.S.
(ANONYMITY DIRECTION MADE)**

Appellant

And

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mrs L Brakaj of Iris Law Firm

For the Respondent: Mr Diwnycz, Home Office Presenting Officer.

DECISION AND REASONS

1. The appellant is an Iraqi national who claim she was at risk of a so-called honour killing by her cousin to whom she said she had been betrothed as a child. She said that she married someone else and her husband and their child are in the United Kingdom and dependent upon her claim. According to the appellant her cousin is vengeful. He has killed people before but benefited from the patronage of a Mr RD.
2. Her claim was refused by the respondent on credibility grounds. In any event, the respondent concluded there were sufficiency of protection and she had the option of relocating.

3. Her appeal was heard by Judge of the First-tier Tribunal SJP Buchanan and rejected on credibility grounds. The judge also accepted that there was sufficiency of protection for her.
4. Permission to appeal was granted on the basis it was arguable the judge overly concentrated upon the evidence of the appellant and the fact that her husband had not given evidence. It was also arguable the judge failed to consider the objective evidence in support of the claim.
5. The respondent made a rule 24 response submitting that the First-tier Judge gave full and comprehensive consideration to the claim and provided adequate reasons for the findings made, taking into account all of the evidence.
6. At hearing, Mrs Brakaj referred to the judge's observations about the presence of the appellant's husband at the hearing and the judge's comments about his not giving evidence. She also said that a substantial amount of country information about honour killings was submitted on behalf of the appellant but this was not referred to by the judge. She confirmed that no issue has been taken about the logistics of return.
7. In response, Mr Diwnycz pointed out that the judge stated there was no requirement for corroboration. An appeal must be determined on the basis of the evidence produced but the weight to be attached to oral evidence may be affected by a failure to produce other evidence in support. To this end I was referred to TK (Burundi) [2009] EWCA Civ 40.ST(see also Corroboration - Kasolo) Ethiopia [2004]UKIAT00119)
8. There has been a change of representatives on behalf of the appellant between the First-tier Tribunal hearing and the Upper Tribunal hearing. The original bundle contained in article from the Kurdish Daily dated 29 August 2007 which confirmed the existence of Mr RD. He was described as a Defence Forces Commander. Whilst this confirms his existence there is no link with the claim that he was a patron of the appellant's cousin. The remainder of the material focuses upon the position of women in Iraq and the prevalence of 'honour-based' violence.
9. The focus in the decision of First-tier Judge Buchanan's decision is on the facts. In the First tier this is a sensible approach. It is reasonable to take it that from the background material provided and the nature of the claim the judge was well aware such violence occurs. It is my conclusion no material error of law is established. Gender violence is well documented and the judge does not need to set this out in any detail. From the factual analysis the judge was entitled to reject the claim made. The decision clearly has been carefully prepared with the judge giving adequate reasons for the conclusion.

Decision

I find no material error of law established in the decision of First-tier Judge Buchanan. Consequently, that decision dismissing the appellant's appeal shall stand.

Deputy Judge of the Upper Tribunal Farrelly
13th October 2017