



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

Appeal Number: PA/00253/2018

THE IMMIGRATION ACTS

**Heard at Field House
On 17 October 2018**

**Decision & Reasons
Promulgated
On 02 November 2018**

Before

DEPUTY UPPER TRIBUNAL JUDGE SHERIDAN

Between

**MISS DK
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr R Ahmed, Counsel, instructed by Riaz Khan & Co Solicitors

For the Respondent: Mr I Jarvis, Home Office Presenting Officer

DECISION AND REASONS

1. The appellant is a citizen of Armenia born in August 2000. She is appealing against the decision of First-tier Tribunal Judge Colvin promulgated on 22 February 2018 dismissing her appeal against the decision of the respondent to refuse her application for asylum on 20 December 2017.
2. I note as a preliminary matter that on 4 October 2018 an application was made under Rule 15(2A) for permission to permit new evidence in the

form of a birth certificate of the appellant's child who was born on 24 August 2018. This was not raised by Mr Ahmed at the hearing and no argument was pursued which relates to this evidence. Given that this evidence has no relevance to the issue before me, which is whether Judge Colvin made an error of law, it is not admitted.

3. The appellant entered the UK on 24 December 2016 on a visitor's visa and claimed asylum on 4 July 2017. The basis of her claim is that she is from a traditional Yezidi family and is at risk of death or severe harm as a consequence of having had sexual intercourse outside of wedlock. She claims that she revealed her sexual activity to a cousin and that subsequently her father became aware of it. She claims that her father became angry, beat her and would have stabbed her were it not for her mother fending him off. She claims that her father has threatened to kill her as she has dishonoured the whole family.
4. The appellant claims that her mother took the threat from her father seriously and decided firstly to take her to a friend's house about two hours away and then to the UK, where she has been living with a distant aunt. The appellant claims that her mother told her not to contact her and that she would make contact but after nearly six months without contact she telephoned her mother who told her that her father had beaten her repeatedly and was planning her murder. She was advised not to return home or call again.

Decision of First-tier Tribunal

5. The judge set out at paragraph 20 of the decision a summary of the objective evidence about Yezidi women and domestic violence in Armenia. The judge stated as follows:

"The appellant has submitted background information particularly in relation to Yezidis and domestic violence in Armenia. Yezidis are the largest minority in Armenia with an estimated number between 30,000 and 50,000 living there. In a news article from Global Voices on teen marriages for Yezidi girls it is reported that it is common among young Yezidi women who regularly finish school as early as 14 to prepare for marriage. The report Domestic Violence in Armenia records the high prevalence of domestic violence and that 17% of homicides recorded in 2015 were committed by family members. It also refers to existing legal barriers preventing effective investigation and prosecution of domestic violence cases. Even when the police have the power to intervene, it is reluctant to assist the victims considering domestic violence to be a "family matter." A further report on domestic violence by the Council of Europe makes similar points including the fact that the Criminal Code does not specifically cover violence against women and it falls within generic offences".

6. Although the judge found aspects of the appellant's evidence to be inconsistent and lacking in plausibility, he accepted the core of her account. However, he did not accept that the appellant would face a risk on return. At paragraph 26 the judge stated:

“It may be that this relationship occurred and that her parents came to know about it through her cousin. However, whilst I am willing to accept that her father may well have reacted with significant anger and her mother may even have decided to remove her from the family home for a while so that the situation could calm down, I do not find even on the lower standard of proof that the appellant has shown that she was or is at real risk of being killed or seriously hurt by her father for the reasons given above”.

7. The judge at paragraph 25 considered the appellant’s circumstances in the context of the objective background information. The judge stated that there was

“a lack of background information before me that suggests or corroborates that a threat of killing or actual killing is likely to occur to a daughter in the Yezidi community in these circumstances or whether there are alternative ways that Yezidis deal with a family’s perceived dishonour. There is no doubt that domestic violence is pervasive in Armenia as confirmed in the two reports referred to above but these reports make no reference to honour killings”.
8. The judge also noted that the appellant comes from the capital city and not a rural area, and that her older sister was allowed to finish her education and was not forced into marriage. The judge stated that this suggests a reasoned approach towards Yezidi traditions in this particular family. The judge also found that the appellant’s father could be said to have assimilated into Armenian society given that he is a police officer. The judge also stated that the fact of the father being a police officer indicates that there are likely to be restraints on his conduct.

Grounds of Appeal and Submission

9. The grounds of appeal make two arguments. The first submission in the grounds is that there is a presumption of risk that is created by the appellant’s father’s conduct such that it is arguably perverse for the judge to have concluded that the appellant would not be at risk. The grounds also challenge the judge’s assessment of the appellant’s credibility.
10. Before me, Mr Ahmed on behalf of the appellant focused on the first of the grounds of appeal. He highlighted that the appellant was a minor when she left Armenia and when the appeal was heard. He claimed that the objective evidence shows that there is ineffective and insufficient police protection for a person in the appellant’s circumstances. He also maintained that given the judge had accepted that the appellant had engaged in a sexual relationship and that this conduct had resulted in her having to flee the country to avoid harm from her father, it was not consistent for the judge to find that the appellant would not be at risk.
11. Mr Ahmed acknowledged that no evidence had been put before the First-tier Tribunal to substantiate that honour killings take place in Armenia but maintained that it was not necessary to show this as it had been accepted

that physical violence had been used, and likely would be used again, against the appellant.

12. Mr Jarvis questioned whether the arguments put forward by Mr Ahmed were in the grounds of appeal and objected to them being raised. He also argued that the judge's conclusions were consistent with the objective evidence.

Analysis

13. The judge found that there was a lack of background information to corroborate – or even suggest – that a threat of killing or actual killing is likely to occur to a girl in the Yezidi community in the circumstances of the appellant.
14. The appellant submitted to the First-tier Tribunal several reports and articles concerning the situation faced by women in Armenia. This included a report published by the Coalition to Stop Violence Against Women entitled “Femicide in Armenia: A Silent Epidemic” and a Council of Europe Report entitled “Gap analysis of Armenian criminal law in light of the standards established by the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.” In addition, articles concerning teen marriages by Yezidi girls and domestic violence in Armenia were submitted. There is no reference in any of these articles or reports to honour killings or girls in the Yezidi community in Armenia being subjected to violence as a consequence of dishonouring the family by engaging in premarital sexual relations. The judge was therefore clearly correct when he found that the appellant's claim to be at risk of being murdered (or subjected to violence) by her father because of having engaged in premarital sex was not corroborated by the objective evidence.
15. The judge found that the appellant's family were likely to take a “reasoned approach towards Yezidi traditions”. The appellant's parents live in the capital city, allowed their older daughter to complete her education and did not impose a forced marriage on her. This contrasts to the description given in one of the articles submitted by the appellant (an article headed Armenia: Yezidi Girls Fated for Teen Marriage) where it is said that Yezidi girls regularly finish school as early as 14 to prepare for marriage and the circumstances of girls who are allowed to continue with their education are compared to those from more traditional families who cease their education at around 14 in order to enter into marriage. Given the contrast between the description in the objective evidence of marriage at aged 14 and the experience of the appellant's sister it was open to the judge to find that the appellant's family do not take an extreme approach to Yezidi traditions.
16. Given that (a) the background evidence does not show that there is a practice of honour killing or violence against daughters because of “dishonouring” the family; and (b) the appellant comes from a family

which is not at the extreme end of the spectrum of level of adherence to Yezidi traditions, I am satisfied that the judge was entitled to find that even though the appellant was truthful about her father threatening her just after he discovered she had engaged in premarital sex, there is not a reasonable likelihood that she would be killed or subjected to violence (as opposed to being shunned or ostracised) upon returning to Armenia. The appeal is therefore dismissed.

Notice of Decision

The decision of the First-tier Tribunal does not contain a material error of law and therefore stands.

An anonymity direction is made.

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

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

Signed



Deputy Upper Tribunal Judge Sheridan Dated: 24 October 2018