



**Upper Tribunal
(Immigration and Asylum Chamber)**
PA/03598/2018

Appeal Number:

THE IMMIGRATION ACTS

Heard at North Shields

On 23 November 2018

**Prepared on 26 November
2018**

**Decision & Reasons
Promulgated**

On 29 November 2018

Before

DEPUTY UPPER TRIBUNAL JUDGE JM HOLMES

Between

C. Z.

(ANONYMITY DIRECTION MADE)

Appellant

And

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms Brakaj, Iris Law Firm

For the Respondent: Mr Diwnycz, Home Office Presenting Officer

DECISION AND REASONS

1. The Appellant entered the United Kingdom illegally on an unknown date. He claimed asylum when identified as an illegal entrant, asserting that he was a citizen of Iran

and that he faced a real risk of harm at the hands of the Iranian authorities as a result of the political opinions he was perceived to hold.

2. The Appellant's protection claim was refused by the Respondent on 1 March 2018. That refusal challenged his account of his experiences as untrue. The Appellant's appeal against that decision was heard on 12 April 2018, and dismissed by First Tier Tribunal Judge Cope in a decision promulgated on 29 May 2018.
3. The Appellant sought permission to appeal from the FtT on the basis the Judge had failed to give adequate reasons for his conclusion that the Appellant had not told the truth about his experiences in Iran, or his political beliefs. It was also argued that the Judge's findings were inconsistent. Permission was granted by First tier Tribunal Judge Adio on 20 June 2018.
4. No Rule 24 Notice has been lodged in response to the grant of permission to appeal. Neither party has applied pursuant to Rule 15(2A) for permission to rely upon further evidence. Thus the matter came before me.

The challenge

5. Ms Brakaj (who did not draft the grounds, or appear below) advanced the appeal on the basis that the Judge's findings were inconsistent, rather than that they were unreasoned. She accepted that to advance the latter challenge would be somewhat difficult in the face of 46 paragraphs of analysis of the evidence and reasoning.
6. One further argument that Ms Brakaj initially sought to advance was abandoned once she accepted that it was not contained within the grounds.
7. Thus Ms Brakaj advanced the Appellant's challenge on the basis that the Judge's findings in paragraphs 39 and 47 of the Judge's decision were inconsistent and incompatible. There is no merit in that argument. The Judge is entitled to have his decision read as a whole, and paragraphs 45-7 must clearly be read together. Indeed it is only a feature of the Judge's writing style that has caused this passage to be split between three paragraphs. Moreover paragraph 39 contains no acceptance of the Appellant's evidence, and cannot sensibly be read as doing so. On the other hand paragraphs 40-3, 45-7, 48-51, and 55-7 give clear and cogent reasons as to why the Judge found four aspects of the Appellant's account to be a fiction.
8. Contrary to Ms Brakaj's submissions before me the Judge did reconcile the evidence, and, stand back to look at the picture in the round. The mere fact (if indeed

it were true in this case) that a claimant has given a consistent account, is not conclusive of whether he has given a truthful account. A well rehearsed, but untrue, story is likely to be consistent.

9. It was in my judgement well open to the Judge on the evidence that was placed before him to reach the adverse credibility findings that he did. He gave more than adequate reasons for his conclusion that the Appellant had not told the truth; MD (Turkey) [2017] EWCA Civ 1958. Contrary to Ms Brakaj's submissions, it is plain that the Judge did stand back and look at the evidence in the round, and place the Appellant's evidence in its proper context.
10. In the circumstances, and as set out above, I am satisfied that the Judge did not err in law in concluding that the Appellant could return to Iran without facing persecution, or a breach of his Article 3 rights. He failed to establish that he faced any Article 15(c) risk of harm in his home area. Accordingly, and notwithstanding the terms in which permission to appeal was granted, the grounds fail to disclose any material error of law in the approach taken by the Judge to the appeal that requires his decision to be set aside and remade.

DECISION

The Determination of the First Tier Tribunal which was promulgated on 29 May 2018 contained no material error of law in the decision to dismiss the Appellant's appeal which requires that decision to be set aside and remade, and it is accordingly confirmed.

Direction regarding anonymity - Rule 14 Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until the Tribunal directs otherwise the Appellant is granted anonymity throughout these proceedings. No report of these proceedings shall directly or indirectly identify him. This direction applies both to the Appellant and to the Respondent. Failure to comply with this direction could lead to proceedings being brought for contempt of court.

Signed

Deputy Upper Tribunal Judge JM Holmes
Dated 26 November 2018

