



**Upper Tribunal  
(Immigration and Asylum Chamber)  
PA/04956/2018**

**Appeal Number:**

**THE IMMIGRATION ACTS**

**Heard at Manchester  
On 15<sup>th</sup> October 2018**

**Decision Promulgated  
On 18<sup>th</sup> October 2018**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE PICKUP**

**Between**

**AF**

[ANONYMITY DIRECTION MADE]

Appellant

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the appellant: Mr A Khan, instructed by Fountain Solicitors  
For the respondent: Mr A McVeety, Senior Home Office Presenting Officer

**DECISION AND REASONS**

1. This is the appellant's appeal against the decision of First-tier Tribunal Judge Chambers promulgated 17.5.18, dismissing on all grounds his appeal against the decision of the Secretary of State, dated 30.3.18, to refuse his claim for international protection.
2. First-tier Tribunal Judge Kelly granted permission to appeal on 11.6.18.

*Error of Law*

3. For the reasons set out below, I found no material error of law in the making of the decision of the First-tier Tribunal such as to require the decision to be set aside.

4. The basis of the claim was that the appellant had engaged in a sexual relationship with a young woman who became pregnant. Her parents, members of the influential Barzani tribe, killed her and threatened to kill the appellant.
5. In essence, the complaint in the grounds is that the judge erred by failing to make any or any adequate and reasoned findings about essential aspects of the appellant's claim and also made contradictory findings. It is also submitted that the judge failed to provide any reasoning in respect of the risk from the Barzani Tribe.
6. Reading individual sentences from the decision, cited in the grounds, it might at first appear that Judge Chambers merely recited the evidence but failed to go on to make findings of fact. However, it is clear from a reading of the decision as a whole that Judge Chambers did not believe any part of the appellant's account. It appears to me that the grounds of appeal arise from a misunderstanding or misreading of Judge Chambers' decision. For example, in the submissions before me Mr Khan emphasised the last sentence of [21] of the decision: "It is fair to conclude on what the appellant says that (S's) father was seeking to murder the appellant as well on the 28 January." It was submitted that either the judge was accepting the appellant's case or his meaning was unclear when the appellant is entitled to know the basis on which his appeal has been rejected. In fact, [21] has to be read as a continuation of the point being made by the Judge from [17] through [22] of the decision. The judge first pointed out that although it is claimed that the young woman had been killed, the appellant knew nothing about the details of her alleged death and despite being in contact with his family had made no enquiries as to how her death had been presented. I do not accept that the judge was unfairly demanding corroboration for the claim, accepting as he did at [19] that appellants are not generally under a duty to corroborate their account. However, as the judge explained there are circumstances where it could have been provided and might reasonably be expected. There was no death certificate but it not just the absence of documentation but a total lack of information about her demise when one might have expected him to have sought such information. For someone said to have fallen in love with this young woman, he was remarkably ignorant and incurious. It is this aspect, amongst others, that led the judge to conclude that the account was not credible.
7. The judge went on to further point out other incredible aspects of the claim, including that despite, on his own account, knowing that her pregnancy had been disclosed to her family and thus that they wanted to kill him as well as her, he did not take any action but coincidentally went away from the area with his brother to have a nose operation. At [22] the judge pointed out that the appellant had not claimed that he fled the area that day in fear of being murdered but put forward this "story" to explain his absence from the scene and to fit in with the claim of having received a telephone tip off that the girl's father was after him. The judge makes clear that this account was not believed, having set out what aspects of the account he found not credible and why. Properly read as a narrative

decision, the judge did not make inconsistent findings at all, contrary to the claim of the grounds and submissions to me.

8. It may be that the textual style adopted by the judge could have been clearer and spelt out more clearly by way of summary what was accepted and what was not. However, I am satisfied that a reading of the decision as a whole provides adequate and cogent reasoning for not accepting any part of the appellant's claim. Those reasons were open to the judge on the evidence.
9. Whilst there were no findings about the claimed risk from the Barzani Tribe, a member of whom had been a past president of the IKR, it follows from the above that the judge rejected the appellant's factual claim and thus there was no need for the judge to address a risk that did not exist. If the appellant's account of his life having been threatened by a young woman's family is rejected, it follows that there is no risk from the family, whether or not they are members of the Barzani Tribe or not. There is no error of law in the judge's treatment of this issue.
10. It follows that I find the grounds and submissions on error of law not made out.

### *Decision*

11. The making of the decision of the First-tier Tribunal did not involve the making of an error on a point of law such as to require the decision to be set aside.

I do not set aside the decision.

The decision of the First-tier Tribunal stands and  
the appeal remains dismissed on all grounds.



**Signed**

**Deputy Upper Tribunal Judge Pickup**

### **Anonymity**

I have considered whether any parties require the protection of any anonymity direction. No submissions were made on the issue. The First-tier Tribunal did

not make an order pursuant to rule 13(1) of the Tribunal Procedure Rules 2014. However, given the circumstances, I make an anonymity order.

**Direction Regarding Anonymity**

Unless and until a Tribunal or court directs otherwise, the Appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him or any member of his 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.

**Fee Award**

**Note: this is not part of the determination.**

In the light of my decision, I have considered whether to make a fee award pursuant to section 12(4)(a) of the Tribunals, Courts and Enforcement Act 2007.

I have had regard to the Joint Presidential Guidance Note: Fee Awards in Immigration Appeals (December 2011).

I make no fee award.

Reasons: No fee is payable and thus there can be no fee award.



**Signed**

**Deputy Upper Tribunal Judge Pickup**