



**Upper Tribunal  
(Immigration and Asylum Chamber)      Appeal Number: PA/11835/2017**

**THE IMMIGRATION ACTS**

**Heard at Glasgow  
On 16 November 2018**

**Decision & Reasons Promulgated  
On 27 November 2018**

**Before**

**UPPER TRIBUNAL JUDGE MACLEMAN**

**Between**

**Z J**

Appellant

**and**

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

Respondent

For the Appellant: Ms J McCallum, of Latta & Co, Solicitors  
For the Respondent: Mr A Govan, Senior Home Office Presenting Officer

**DETERMINATION AND REASONS**

1. The appellant appeals against a decision by FtT Judge Boyd, promulgated on 15 May 2018. Her grounds are set out in the application filed on 29 May 2018, paragraphs 1 - 5.
2. The essence of the grounds is as follows:
  - (1) Error at [32] - [33] of the decision, preferring a document which described the appellant as "a technical inspector assistant", without giving reasons.

(2) At [33] the judge said there was no evidence the appellant trained to be a supervisor, and did not accept “that the girls were under her observation”, a matter at the heart of her claim, but failed to place weight upon a letter from her employer confirming that she was “employed at the female section of the student accommodation and ... supervising the students when the incident occurred”; and that had appropriate weight been placed on the document, a different conclusion might have been reached on the appellant’s role at the University of Raparin, which was material.

(3) At [37] and [39] the judge referred to lack of detail in the appellant’s screening interview, but (under reference to case law) such an interview is not a verbatim account but a summary.

(4) At [42] the judge “misapplied” [misunderstood] the appellant’s evidence, finding the issuing of arrest warrants inconsistent with the appellant’s claim that the police lacked interest in honour matters, when her evidence was that the warrants were for the crime of kidnap, “not presented to the police as an issue relating to honour”. At [29] and [33] of her statement she said that she and her brother were accused of kidnapping (and subject to an arrest warrant valid throughout Iraq).

(5) The judge at [47] failed to provide reasons for finding the appellant not entitled to humanitarian protection, based on submissions in respect of the country guidance case law.

3. Mr Govan said at the outset that ground (5) disclosed an error, which should be corrected by the UT, but that grounds (1) – (4) were opposed.

4. Ms McCallum submitted along these lines:

- (i) Grounds (1) – (4) disclosed errors, any one of which might not have been fatal, but which did cumulatively undermine the decision.
- (ii) On ground (1), the judge gave no reason at all for preferring one document over another. It was not a case where the document preferred was obviously more consistent with the rest of the evidence. One was more consistent with the screening interview, and the other with the substantive asylum interview.
- (iii) On ground (2), the judge failed to consider that the appellant might not have needed specific training to be a supervisor, but could have worked her way up. The judge failed to refer to other parts of the evidence which suggested that she was a supervisor.
- (iv) There was nothing to add to ground (3).
- (v) Ground (4) disclosed an error of fact. The evidence had been that the police do not mediate between families on “honour” issues, whereas the warrant was for kidnapping, a criminal charge.
- (vi) On ground (5), error on grounds (1) – (4) would lead to fresh findings of fact, laying a new basis for humanitarian protection. Alternatively, even if not believed on the “honour” claim, the appellant might be reliable about difficulties in the way of her return.

5. Having considered also the submissions for the respondent, I find that grounds (1) – (4) disclose no error in point of law, and that ground (5) does not lead to a different outcome.
6. Grounds (1) and (2) may be taken together, as Mr Govan suggested. The appellant was employed as an electrician. There was a slight discrepancy over whether she was an assistant or a supervisor at some level, but the significant point is at [33] and [35]. At its realistic highest, the evidence did not support the proposition that the family of her brother’s girlfriend would have taken her to be responsible for the welfare of 416 girls living in student accommodation at the university.
7. It is doubtful if ground (3) amounts to a proposition of error. At most, it is a disagreement. The judge at [37] allowed for the nature of the screening interview.
8. Ground (4) shows no misunderstanding or error of fact. The distinction it seeks to draw is not well rooted in the evidence. The alleged kidnapping arose directly from a matter of “family honour”, which would have been obvious to the police investigators.
9. The judge’s adverse credibility findings are reached for several reasons. Some of those have not been criticised, and the criticisms which have been made are not upheld. Those findings therefore are the starting point for further conclusions on humanitarian protection in terms of the country guidance.
10. The appellant’s submissions on humanitarian protection put to the FtT, with which the judge did not explicitly deal, were inextricably inter-written throughout (paragraphs 1 – 49) with the case of risk from family and tribe, which she failed to establish.
11. An appellant may of course be reliable on some matters although not on others; but there is no reason why credit should be given, even to the lower standard, to the claims interspersed in those submissions that she has no ID documents and no passport (having given them to an agent), no means of obtaining such documentation, no family, no friends, and no prospects. She has failed to establish any facts by which she might be entitled to protection.
12. The decision of the First-tier Tribunal is set aside, to the extent required by ground (5), and is remade by dismissing the appeal, as brought to the FtT, on all grounds.
13. The matter of anonymity was not addressed in the UT, so the direction made by the FtT is maintained herein.

 Hugh Maclean

20 November 2018  
Upper Tribunal Judge Macleman