



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

Appeal Number: PA/14100/2018

THE IMMIGRATION ACTS

**Heard at Bradford
On 23 August 2019**

**Decision & Reasons Promulgated
On 4 September 2019**

Before

UPPER TRIBUNAL JUDGE HEMINGWAY

Between

Sabah Muhammed

(ANONYMITY NOT DIRECTED)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: In person
For the Respondent: Mrs R Pettersen (Senior Home Office Presenting Officer)

DECISION AND REASONS

1. This is the claimant's appeal to the Upper Tribunal, brought with the permission of a Judge of the Upper Tribunal, from a decision of the First-tier Tribunal (the tribunal) which it made on 11 February 2019 following a hearing of 22 January 2019 and which was sent to the parties on 28 February 2019. The tribunal decided to dismiss the claimant's appeal against a decision of the Secretary of State, of 06 December 2018, refusing to grant him international protection.
2. Shorn of all but the essentials, the account offered by the claimant when seeking international protection may be summarised as follows: He is an Iraqi national, of Kurdish ethnicity, from Sulaymaniyah which is in the part of Iraq under Kurdish administrative control (IKR). Towards the latter end of 2016 he converted from Islam to Christianity and commenced a relationship with a Muslim female. In June 2018 her family discovered the relationship and the conversion. They threatened him. They also informed his own family of the situation and his family disowned him. The claimant says, if returned to Iraq, he will be killed by members of the Muslim female's family because of the relationship and will also be killed because of his conversion.
3. The Secretary of State did not believe the claimant and nor, on appeal, did the tribunal. It is worth noting that the claimant gave oral evidence before the tribunal and had the benefit of legal representation from experienced counsel.
4. The tribunal explained why it was disbelieving the claimant, with respect to both the relationship and the conversion, in a passage running from paragraph 12 to paragraph 27 of its written reasons. It does not appear to have been argued before the tribunal, or indeed subsequently, that if the claimant was disbelieved he could, nevertheless, succeed.
5. The claimant applied for permission to appeal to the Upper Tribunal. He did so without representation but he did have, as he told me, some assistance in formulating his grounds of appeal and in formulating a subsequently prepared skeleton argument. The grounds, in a nutshell, contended that the tribunal had simply agreed with the findings of the Secretary of State and had failed to adequately consider his evidence in various respects. The skeleton argument sought to build on that by arguing that the tribunal had made a succession of incorrect factual findings and had, in consequence, reached incorrect conclusions.
6. Permission to appeal was granted and the granting judge said this:

'It is arguable the First-tier Tribunal judge imposed her own beliefs, understanding of religious precepts and cultural and social mores upon the appellant in reaching her findings on credibility. That is not to say that the appellant will succeed in his appeal but the threshold of arguability is reached'.
7. Permission having been granted there was a hearing before the Upper Tribunal (before me) so that it could be considered whether the tribunal had erred in law and, if it had, what should flow from that. The claimant was present but unrepresented before me. Mrs Pettersen represented the Secretary of State. I am grateful to each of them. The

claimant, in large measure, simply relied upon the points made in his grounds of appeal and in the skeleton argument. He did, though, suggest that the granting judge had been correct in saying the tribunal had sought to impose its own personal views. He did not think there had been many contradictions in his account. His life would not be safe if he were returned. A particular Christian website, the existence of which the tribunal had seemed to doubt, does exist and is easy to access. Mrs Pettersen, for her part, argued that the tribunal had reached detailed findings which it had been entitled to reach and that the points made by or on behalf of the claimant did not go beyond disagreement with the factual findings.

8. The tribunal's assessment as to credibility is, in my judgment, careful, extensive and cogent. It is, of course, commonly the case that where a number of adverse credibility points are taken, some are stronger than others. In particular, with respect to this credibility assessment, the tribunal did not think the claimant had persuasively explained why he became interested in Christianity (paragraph 18 of the written reasons). The tribunal did not think it credible that the claimant, as a Christian convert, lacked knowledge about the faith apart from an understanding of the significance of Christmas (see paragraph 23). The tribunal found the claimant's credibility to be damaged by his failure to claim asylum in Italy and France which were countries he had passed through on his way to the United Kingdom (see paragraph 26). Those were all matters of significance to which the tribunal was entitled to attach substantial weight. The tribunal identified other credibility concerns too.
9. In my judgment the grounds and the points made in the skeleton argument are really no more than attempted disagreement with the tribunal's factual findings. The claimant (understandably because he is not a lawyer) was unable to meaningfully add to what had been said in the grounds and the skeleton, before me. I do not see that, notwithstanding the terms of the grant, the tribunal did seek to impose its own beliefs or understanding when evaluating the credibility of the claimant's account. There were certainly instances where it took points based upon plausibility but in doing that it does not seem to me that it was doing anything more than applying a straightforward and common-sense approach.
10. In the circumstances I have concluded that the tribunal did not err in law. Accordingly, this appeal to the Upper Tribunal must fail.

Decision

The tribunal's decision did not involve the making of an error of law. Accordingly, that decision shall stand and the claimant's appeal to the Upper Tribunal is dismissed.

I do not direct anonymity. Such was not directed by the tribunal. There does not seem to be any reason to direct anonymity and it was not sought.

Signed

**M R Hemingway
Judge of the Upper Tribunal**

Dated

1 September 2019

