



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2024-002932
FtT No: PA/60347/2023
LP/00843/2024

THE IMMIGRATION ACTS

**Decision & Reasons Issued:
On 13 December 2024**

Before

UPPER TRIBUNAL JUDGE LANE

Between

Secretary of State for the Home Department_

Appellant

and

**MH
(ANONYMITY ORDER MADE)**

Respondent

Representation:

For the Appellant: Mr Diwnycz, Senior Presenting Officer
For the Respondent: Ms Coen

Heard at Phoenix House (Bradford) on 16 September 2024

DECISION AND REASONS

1. I shall refer to the appellant as the respondent and to the respondent as the appellant as they respectively appeared before the First-tier Tribunal. The appellant, a male citizen of Iran, appealed to the First-tier Tribunal against a decision of the Secretary of State dated 26 October 2022 refusing his claim for international protection. The appellant appealed to the First-tier Tribunal which allowed his appeal. The Secretary of State now appeals to the Upper Tribunal.
2. The Secretary of State's grounds of appeal to the First-tier Tribunal and the renewed grounds to the Upper Tribunal assert that, having found the appellant to have not told the truth regarding his claimed reason for leaving Iran (fear generated by receipt of a letter after the appellant had

attended an anti-government demonstration), it follows that the appellant was no more than an economic migrant and, on return, would truthfully say as much to the Iranian authorities thereby avoiding any risk. However, that analysis ignores the nuanced approach adopted by the judge. She believed what the appellant had said about attending a demonstration but disbelieved the letter story. She did not find that the appellant was no more than an economic migrant but was rather an individual who had a subjective fear of the Iranian authorities [38] on account of the characteristic (political opinion) which would be attributed to him. Those findings of the judge properly formed the backdrop against which the judge made her assessment of risk on return. It was, in my judgment, open to the judge on the evidence and correctly applying the country guidance jurisprudence to find that the appellant would be questioned regarding his time in the United Kingdom and his reasons for claiming asylum. Given that he is not expected to lie, he would answer that he had a fear of the Iranian authorities because he had attended a demonstration and had distributed leaflets; on Judge Monaghan's findings of fact, he would not and could not truthfully answer that he had travelled to the United Kingdom solely to seek economic betterment. As Ms Coen put it at the Upper Tribunal initial hearing, the crucial finding in this appeal is the judge's conclusion that the appellant's reasons for leaving Iran and for claiming international protection were the same; being questioned about either (which the judge properly concluded was likely) would expose the appellant to risk. The Secretary of State has latched on to the judge's finding that the letter story was untrue and has (wrongly) concluded that the appellant is no more than an economic migrant and would tell any interrogator as much.

3. In the circumstances, the Secretary of State's appeal is dismissed.

Notice of Decision

The Secretary of State's appeal is dismissed

C. N. Lane

Judge of the Upper Tribunal
Immigration and Asylum Chamber

Dated: 7 December 2024