



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: AA/11347/2014

THE IMMIGRATION ACTS

Heard at Field House
On 15 September 2015

Decision & Reasons Promulgated
On 16 September 2015

Before

Deputy Upper Tribunal Judge MANUELL

Between

Mr SHAYGAN KHAUSHTINAT
(ANONYMITY DIRECTION MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr M Hoshi, Solicitor (Saberrs Stone Greene LLP)

For the Respondent: Mr E Tufan, Home Office Presenting Officer

DETERMINATION AND REASONS

Introduction

1. The Appellant appealed with permission granted by First-tier Tribunal Judge Grant-Hutchison on 12 May 2015 against the decision of First-tier Tribunal Judge Quinn made in a decision and reasons promulgated on 15 April 2015 dismissing the Appellant's asylum, humanitarian protection and human rights appeals.
2. The Appellant is a national of Iran, whose date of birth was given as 27 January 1996. He had appealed against his removal from the United Kingdom. He

stated that he feared to return to Iran because of his actual or imputed political opinion, following his claimed participation in anti-government demonstrations in 2009.

3. When granting permission to appeal, First-tier Tribunal Judge Grant-Hutchison considered that it was arguable that Judge Quinn had made erroneous findings and factual errors, some of which were perhaps of less significance than others. (There was no challenge to the judge's dismissal of the Article 8 ECHR private life claim.)
4. The Respondent filed notice under rule 24 indicating that the appeal was opposed. Standard directions were made by the tribunal and the appeal was listed for adjudication of whether or not there was a material error of law.

Submissions

5. Mr Hoshi for the Appellant relied on the grounds of onwards appeal earlier submitted, together with the grant of permission to appeal and his skeleton argument. He submitted that the most important errors of law were the assumptions which the judge had made, such as the likelihood that the Appellant had or had not attended demonstrations at the age of 13 and other factual errors, such as the Appellant's mode of travel from Turkey, and the rôle played by the Appellant's aunt in the Appellant's arrival in the United Kingdom. The judge had further erred by failing to make findings about the summons. Generally the judge had failed to resolve issues in the case. The decision and reasons could not stand and should be set aside. The appeal should be reheard before another judge.
6. Mr Tufan for the Respondent relied on the Respondent's rule 24 notice. He submitted that the decision and reasons disclosed no error of law. The determination as a whole showed that the judge was well aware of the issues, in an appeal with many improbable elements. The judge had been careful to consider alternative scenarios, as seen in his discussion of the Appellant's travels via Turkey, which was a peripheral matter in any event. The judge had considered the evidence of the Appellant's aunt properly. The judge had examined the summons relied on by the Appellant in accordance with Tanveer Ahmed* [2002] UKIAT 00439 principles. Any error in the determination was minor and did not warrant its being set aside.
7. There was no reply.
8. The tribunal reserved its determination, having indicated that its finding in principle was that no material error of law had been shown.

No material error of law

9. The tribunal accepts Mr Tufan's submissions. In the tribunal's view, the grant of permission to appeal was excessively generous. As always, the judge's decision and reasons needed to be read as a whole, which it has to be said Mr Hoshi's grounds of appeal and subsequent submissions conspicuously failed to do. The grounds of onwards appeal were simply a reasons challenge which

amounted to no more than an extended disagreement with the judge's proper findings.

10. The judge's decision and reasons were well structured and expressed with commendable clarity. The focus of the decision was the judge's findings, to which the majority of his decision was rightly dedicated. As will nearly always be the case with asylum appeals from Iran, the case turned on the Appellant's credibility, as the objective evidence was not in dispute. The judge was required to look at the whole of the Appellant's evidence, and did so taking account of his age: see [33]. The judge was entitled to reflect on the Appellant's claimed route to the United Kingdom as part of his story, and did so taking account of alternative possibilities: see [35]. It was open to the judge to find that the Appellant's claim that he had been politically active at the age of 13 was implausibly precocious, but that finding was securely reached on the basis of the evidence as a whole, not merely on the basis of the Appellant's age at the relevant time: see [38], [40], [43] and [49], where separate and sustainable reasons are given.
11. The judge reminded himself of Tanveer Ahmed* [2002] UKIAT 00439 at [22] of his decision, and considered the summons produced by the Appellant against the evidence as a whole: see [39], [44] [45] and [46]. The judge's decision to place no weight on the summons was open to him and was securely reached.
12. The grounds of onwards appeal extravagantly claim (see paragraph 7 of the grounds) that the judge "has treated Mrs Dana's evidence with great deal of contempt... (sic)". That tends to convey the quality of the grounds. The tribunal found no support whatever for that assertion in the judge's determination, which was scrupulously fair and neutrally worded. His finding at [48] that the Appellant had come to the United Kingdom on an organised trip and had been given Mrs Dana's (his aunt's) mobile telephone number was open to the judge in the light of his logical examination of the evidence presented. The tribunal is far from satisfied that the judge misunderstood any of the so called facts in the appeal.
13. In the tribunal's judgment, the multi layered adverse credibility assessment which the judge reached was open to him. His decision was a comprehensive and thoughtful reflection on the issues raised in the appeal. There was no material error of law. There is no basis for interfering with the judge's decision to dismiss the Appellant's appeal, which dismissal must stand.

DECISION

The tribunal finds that there is no material error of law in the original decision, which stands unchanged

Signed

Dated

Deputy Upper Tribunal Judge Manuell