



IAC-HX-MC/12-V1

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

Appeal Number: AA/11075/2014

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 20 May 2015**

**Decision &  
Promulgated  
On 13 July 2015**

**Reasons**

**Before**

**UPPER TRIBUNAL JUDGE CONWAY**

**Between**

**MS KARINE GRIGORYAN  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Ms Laughton

For the Respondent: Mr Tarlow

**DECISION AND REASONS**

1. The Appellant is a citizen of Armenia born in 1974. She appealed against a decision of the Secretary of State made on 28 November 2014 to refuse her leave to remain. She was refused asylum.
2. The basis of her claim is that she fears persecution in Armenia by members of an organised criminal gang. Her father, a criminal investigator in the Ministry of Internal Affairs, had been instrumental in the arrest and conviction of the gang members in 2000. Following their

release in 2011 they sought to take revenge on her and other family members because of her father. She was threatened and attacked. Her father was granted asylum in the UK in 2000.

3. The Respondent for various reasons given in paragraphs [18 to 24] of the refusal letter did not believe that she was persecuted on the basis of arrests her father made in 2000. Further, the Respondent took against her credibility delay in the making of her claim and that it was made only after arrest. Also, that she had passed through safe countries en route to the UK. The Respondent in addition considered that there would be sufficiency of protection from the non-state actors and that she could internally relocate.
4. She appealed.
5. Following a hearing at Taylor House on 11 March 2015 Judge of the First-tier Tribunal Majid dismissed the appeal.
6. In a brief determination the judge's findings are in a single paragraph as follows:
  - "11(a) The Respondent has persuaded me of the fact that this claim is misconceived. I do accept that, as a police officer, the father had a valid claim; his assertion of persecution was accepted in November 2000 and the Appellant, a long time after his asylum claim was successful, is trying to make these factors relevant to her personal claim.
  - (b) I cannot overlook the fact that the Appellant after entering the UK on 1 November 2013 did not claim asylum. For her to say that the "persecution" only became an operative factor when she was arrested by the police for shoplifting cannot be accepted as a credible fact.
  - (c) The evidence before me leads me to the inference that the Appellant would have left claiming asylum even longer were she not arrested on 5 April 2014."
7. The Appellant sought permission to appeal which was granted by a judge on 10 April 2015.
8. At the error of law hearing before me Ms Laughton essentially adopted the grounds.
9. In summary, the judge failed to engage with the Appellant's account, ignored material information including that of the Appellant's sister in law whose account was very similar. Further, the Appellant's reasoning was inadequate and there was effectively no reference to the Appellant's case. In addition, he appeared to be mistaken as to the nature of the Appellant's case. He had also not had regard to an expert's report.
10. Mr Tarlow agreed.

11. I agreed also. The judge's determination is utterly deficient. He only considered two aspects of the Appellant's claim in deciding to dismiss her appeal: the length of time since her father's claim and the fact that she did not claim asylum on entering the UK.
12. The judge entirely failed to engage with the Appellant's account, which included oral evidence and statements from family members, and make material findings on it. Such included her claim that she lost her job because of her father; that she received threatening phone calls which made specific reference to her father; that her brother was targeted; that she was raped during which her attackers made reference to her father; that the car that was used to kidnap her brother was the same that targeted her.
13. The judge also failed to give any consideration to potentially relevant evidence in particular the fact the Appellant's sister-in-law's asylum claim was accepted in 2014 on similar grounds to those of the Appellant.
14. Moreover, he gave no consideration to an expert country report by Robert Chenciner which was before him.
15. The consideration of the Appellant's case was almost non-existent. In failing to make reference to any of the factors which the Appellant raised in support of her claim and in effectively failing to provide any reasoning to support his rejection of her claim the judge materially erred.
16. Moreover, the judge appeared to be mistaken as to the nature of the Appellant's case. He stated that her father as a police officer had become a target of persecution by the authorities having been accused of helping criminals. In fact her claim is that he was a criminal investigator (rather than a police officer) persecuted by a criminal gang after helping the authorities bring them to justice. Her fear is from the gang in revenge for the actions of her father. Such error infects his conclusion that '*reference to the father's persecution is misleading.*' [2] It was an error of law for the judge to misunderstand the basis of the claim.
17. By consent the decision was set aside to be remade.

18. Decision

The decision of the First tier Tribunal includes the making of an error on a point of law. The decision is set aside. The nature or extent of judicial fact finding which is necessary in order for the decision in the appeal to be remade is such that it is appropriate to remit the case to the First-tier Tribunal in accordance with Practise Statement paragraph 7.2 to be heard afresh by that Tribunal. None of the findings (in so far as any were made) stand.

No anonymity direction is made.

Signed

Date

Upper Tribunal Judge Conway