



**Upper Tribunal**

**(Immigration and Asylum Chamber)**

**Appeal Number: PA/02745/2016**

**THE IMMIGRATION ACTS**

**Heard at Manchester Piccadilly  
On 26 September 2017**

**Decision and Reasons Promulgated  
On 29 September 2017**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE BIRRELL**

**Between**

**ARGASH RAHMAN SHARIF TAZA  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: did not appear

For the Respondent: Mr C Bates Senior Home Office Presenting Officer

**DECISION AND REASONS**

**Introduction**

1. I have considered whether any parties require the protection of an anonymity direction. No anonymity direction was made previously in respect of this

Appellant. Having considered all the circumstances and evidence I do not consider it necessary to make an anonymity direction.

2. The Appellant, a national of Iran was born on 20 July 1995. The Appellant appealed against the decision of the Secretary of State dated 6 March 2016 to refuse to grant an application for refugee protection. First-tier Tribunal Judge Sharkett dismissed the appeal and the Appellant now appeals with permission to this Tribunal.
3. The background to this appeal is that the Appellant entered the United Kingdom on 20 November 2015 claiming that he was at risk on return to Iran because he had a sexual relationship with a young woman outside of marriage and she died. The authorities and her family were looking for him.
4. The Respondent refused the application because:
  - (a) It was not accepted that the Appellant was an Iranian but was rather an Iraqi national due to the inconsistencies in his geographical knowledge.
  - (b) The Appellants account of his relationship with the female was implausible and inconsistent in the light of the background information about honour killings in Kurdistan.
  - (c) The Appellants account is inconsistent as to whether the girl killed herself which the Appellant claimed in the screening interview or was killed by her family as he claimed in the asylum interview.
  - (d) The Appellant claimed to fear an organisation in Iran called Pasga and to be wanted by them but his account was inconsistent.
  - (e) The Appellant failed to claim asylum in safe countries en route to the UK
5. The First-tier Tribunal Judge heard oral evidence from the Appellant. The Judge concluded that the Appellant was not a credible witness as to either his nationality or the core of his account.
6. The Appellant did not attend the appeal nor was he represented at the appeal. At the hearing before me the Appellant did not attend court and Mr Bates advised me that the Appellant had absconded from NAAS accommodation without permission. I am satisfied that due notice of the appeal was served upon the Appellant on 1 August 2017 at the only address that the Tribunal had for the Appellant. I am therefore satisfied that having been served notice of the hearing and not attended it is in the interests of justice to proceed with the hearing in the

Appellant's absence as I am entitled to do by virtue of paragraph 38 of The Tribunal Procedure (Upper Tribunal) Rules 2008.

**Error of Law**

- 7 Having heard those submissions I reached the conclusion that the Tribunal made no material errors of law
- 8 Central to the appeal was the credibility of the Appellants account. The Judge made a number of detailed findings in relation to the Appellants credibility starting with his nationality at paragraphs 51-52 . The Judge was entitled to find that lying about his nationality significantly undermined his general credibility. She noted that he had changed his account in relation to why he was unable to produce an ID card in that in the screening interview he stated that he did not bring t to the UK to suggesting in the asylum interview that he did bring it but it was taken from him in Turkey by the agent. In oral evidence while he claimed that while he was in recent contact with his family he gave no reason for not obtaining ID documents from them as he claimed he would do in the Screening interview.
- 9 While not addressed by the Judge(paragraph 65) in any detail it would also have been open to her to note that in the refusal letter it was stated that the Appellant had on to occasions been fingerprinted in Dunkirk and claimed to be a Syrian national which would significantly undermine his general credibility but specifically undermine his claimed nationality. The refusal letter at paragraphs 40- 46 also notes that in describing the village where he lived in relation to other cities in Iran and to the regional airport the Appellant gave answers that were more consistent with him originating from Iraqi Kurdistan which was further confirmed by the fact that he used the Western calendar rather than the Iranian calendar.
- 10 The grounds of appeal to the Upper Tribunal contend that the First-tier Tribunal Judge erred in failing to give adequate reasons for reaching the adverse credibility findings in relation to his account of his relationship with 'F' that she did and that she was 'arguably condemning such accounts as not plausible.' I remind myself however of what was said in In MM (DRC) 2005 UKIAT 00019 (Ouseley) where the Tribunal said that the assessment of credibility may involve an assessment of the plausibility, or apparent reasonableness or truthfulness of what was being said. This could involve a judgement on the likelihood of something having happened, based on evidence or inferences. Background evidence could assist with that process, revealing the likelihood of what was said

having occurred. Background evidence could reveal that adverse inferences which were apparently reasonable when based on an understanding of life in this country, were less reasonable when the circumstances of life in the country of origin were exposed. Plausibility was an aspect in the process of arriving at a decision, which might vary from case to case, and not a separate stage in it. A story could be implausible yet credible, or plausible yet properly not believed. Plausibility is not a term of art. It is simply that the inherent likelihood or apparent reasonableness of a claim is an aspect of its credibility and an aspect which may well be related to background material which may assist when judging it. The Tribunal went on to say that “the more improbable the story, the more cogent the evidence necessary to support it, even to the lower standard of proof.” In relation to the contention that there was an alternative satisfactory explanation for matters found to be implausible by the Adjudicator, the Tribunal said that it was for the claimant to put forward all relevant evidence and to recognise and explain any inconsistencies and improbabilities and a conclusion was not necessarily erroneous because it did not contemplate possibilities that were not raised for the Adjudicator’s consideration

- 11 The Judges assessment of the Appellants core account appears at paragraphs 53-63. I am satisfied that in assessing the credibility of the claim of a long standing sexual relationship outside marriage with an unmarried girl of 19 in a nearby village whose parents had repeatedly refused his offer of marriage the Judge was correct in making her assessment of each aspect of his account by reference to the plausibility of such a claim in the cultural context of Iran where she noted that strict standards of behaviour apply to women and there are severe sanctions for the smallest breach of expected behaviour.
- 12 Therefore by reference to such strict standards of behaviour the Judge made detailed findings at paragraphs 55- 62 that various aspects of his claim were incredible so for example: that ‘F’ and he could meet in his friends shop over an 8 month period and no one else saw them together or remarked on a female being in company with two males neither of whom she was not married to ((paragraph 55); that the Appellant would make 6 requests to marry ‘F’ having been rejected (paragraph 56); that having rejected him ‘F’ s parents would not have been alert to the possibility of him trying to contact her and sought to protect her honour (paragraph 57) .

13 The Judge contrary to the suggestion in the permission made clear findings as to inconsistencies and thus noted that his claim that he and 'F' had sex to force her parents to agree to their marriage was entirely inconsistent with the fact that he immediately fled after they were seen having sex together before the Appellant found out what her parents' response would be (paragraph 62). She also noted that the Appellant's claim that tribal elders met to resolve the issue on 25/26 September was inconsistent if, as he claimed, 'F' had been killed on 23 September. There was also a clear inconsistency between what the Appellant said in the Screening interview (4.1) that she killed herself and his later claim in his asylum interview (AI 186) that her family killed her.

14 The Judge also was entitled to note that a central feature of his claim was that he was at risk from 'Pesga' but there was no background material to support his claim that such an organisation existed.

15 I find that the reasons given were adequate and the Appellant cannot be in any doubt about why the appeal was dismissed: the Appellant had given a dishonest account of both his nationality and events that caused him to come to the UK. The findings made were plainly open to the Judge on the material before her.

## **CONCLUSION**

**16 I therefore found that no errors of law have been established and that the Judge's determination should stand.**

## **DECISION**

**17 The appeal is dismissed.**

Signed

Date 28.9.2017

Deputy Upper Tribunal Judge Birrell