



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: PA/08006/2016

**THE IMMIGRATION ACTS**

Heard at City Centre Tower, Birmingham  
On 6<sup>th</sup> February 2018

Decision & Reasons Promulgated  
On 6<sup>th</sup> March 2018

Before

DEPUTY UPPER TRIBUNAL JUDGE RENTON

Between

FARAIDOOON RAHMANI  
(ANONYMITY DIRECTION NOT MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

**Representation:**

For the Appellant: Unrepresented

For the Respondent: Mr D Mills, Senior Home Office Presenting Officer

**DECISION AND REASONS**

**Introduction**

1. The Appellant is a male citizen of Iran born on 24<sup>th</sup> January 1993. He first arrived in the United Kingdom on 4<sup>th</sup> August 2008 when he unsuccessfully applied for asylum. He subsequently made a further application which was refused for the reasons given in an Asylum Decision dated 12<sup>th</sup> July 2016. The Appellant appealed and his appeal was heard by Judge of the First-tier Tribunal Juss (the Judge) sitting at Birmingham on 24<sup>th</sup> February 2017. He decided to dismiss the appeal for the reasons given in his

Decision dated 25<sup>th</sup> February 2017. The Appellant sought leave to appeal that decision and on 12<sup>th</sup> September 2017 such permission was granted.

2. I must first decide if the decision of the Judge contained an error on a point of law so that it should be set aside.
3. At the hearing before me, there was no appearance by or on behalf of the Appellant, and no explanation for his absence. I was satisfied that the Appellant had been properly notified of the time, date, and place of the hearing and I decided to proceed to hear the appeal in the absence of the Appellant under the provisions of Rule 38 of the Tribunal Procedure (Upper Tribunal) Rules 2008. I considered it in the interests of justice to do so.
4. The Appellant applied for asylum on the basis that he was at risk on return to Iran because in the UK he had attended two demonstrations in support of the PJAK. Further, the Appellant had engaged in blogging activity on his Facebook account critical of the Iranian regime which would be discovered on his return.
5. The Judge dismissed the appeal because he found that the Appellant's sur place activities in the UK would not put him at risk on return following the decisions in **BA (Demonstrators in Britain - risk on return) Iran CG [2011] UKUT 36** and **AB (Internet Activity - State of Evidence) Iran [2015] UKUT 0257**.
6. I find no error of law in the decision of the Judge.
7. At the hearing before me, Mr Mills was content only to refer to the Rule 24 response and to argue that there was no error of law in the decision of the Judge.
8. I find no error of law in the decision of the First-tier Tribunal. As he stated at paragraph 12 of the Decision, the Judge gave careful consideration to all the documentary and oral evidence. He was entitled to find that the Appellant's involvement in two demonstrations in the UK amounted to very little and that therefore there was no reasonable likelihood that this activity would come to the attention of the Iranian authorities. Further, the Judge was entitled to find that the Appellant was not at risk on return in accordance with the decision in **AB** as the Appellant had been discreet in allowing access to his Facebook account. I therefore find no error of law in the decision of the Judge.

### **Notice of Decision**

9. The making of the decision of the First-tier Tribunal did not involve the making of an error on a point of law.

I do not set aside that decision.

The appeal to the Upper Tribunal is dismissed.

**Anonymity**

10. The First-tier Tribunal did not make an order for anonymity. I was not asked to do so, and indeed find no reason to do so.

Signed

Dated 2<sup>nd</sup> March 2018

Deputy Upper Tribunal Judge Renton