



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

Appeal Number: PA/09310/2016

THE IMMIGRATION ACTS

Heard at Bradford

On 19th December 2017

**Decision & Reasons
Promulgated
On 23rd January 2018**

Before

DEPUTY UPPER TRIBUNAL JUDGE D E TAYLOR

Between

**ZA
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr J Howard, Solicitor of Fountain Solicitors

For the Respondent: Mrs R Pettersen, Home Office Presenting Officer

DECISION AND REASONS

1. This is the appellant's appeal against the decision of Judge Jones made following a hearing at Bradford on 23rd February 2017.
2. The appellant is a citizen of Iran. She claimed asylum in the UK on the basis that she feared persecution there on account of an imputed religious opinion. She said that her husband was a factory owner who employed members of the Bah'ai faith and who is presently in detention. He had refused to sell his sharehold in the factory to Sepah, as a consequence of which the authorities seized the factory. Since she had taken his place on

the Board she was advised that she should flee the country, following the issuing of an arrest warrant against her.

3. The judge found that the appellant's account was internally consistent. He also noted the background evidence which suggested that the authorities apply pressure to take over businesses. He recorded that he had heard oral evidence from the appellant's brother, although he was unaware of the actual circumstances which led the appellant to leave Iran.
4. The judge dismissed the appeal because he said that there was a surprising lack of supportive evidence in relation to the existence of the factory and from the family lawyer who had represented the appellant in Iran.
5. Although Mrs Pettersen initially sought to defend the determination she did acknowledge that it would appear that the judge had dismissed the appeal on the basis of a lack of corroborative evidence.
6. The judge erred in law. In TK (Burundi) v SSHD [2009] EWCA Civ 40 the Court of Appeal said:

"Where evidence to support an account given by a party is or should be readily available a judge is in my view plainly entitled to take into account the failure to provide that evidence and any explanations for that failure. This may be a factor of considerable weight in relation to credibility where there are doubts about the credibility of a party for other reasons".
7. However, in this case Judge Jones did not identify any other doubts regarding the appellant's credibility. Indeed, he concluded that it was detailed, internally consistent and supported by the objective evidence. Neither was any criticism made of the oral evidence from her brother, who confirmed the existence of the factory.
8. Accordingly, the judge erred in rejecting the appellant's claim solely on the basis of an absence of documentary evidence which amounts to an impermissible requirement for corroboration. His decision is set aside.
9. The appellant now lives in Rochdale. The case will be relisted at Manchester before a judge other than Judge Jones.

Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until a Tribunal or court directs otherwise, the appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify her or any member of her family. This direction applies both to the appellant and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.

Deborah Taylor

Signed

Date 22 January 2018

Deputy Upper Tribunal Judge Taylor