



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

Appeal Number: PA/02474/2020

THE IMMIGRATION ACTS

**Heard remotely via Skype for Decision & Reasons Promulgated
Business
On 22 April 2021** **On 30 April 2021**

Before

UPPER TRIBUNAL JUDGE LANE

Between

**DK
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Wood

For the Respondent: Mr Tan, Senior Presenting Officer

DECISION AND REASONS

1. The appellant is a male citizen of Iran. He appealed to the First-tier Tribunal against a decision of the Secretary of State dated 28 February 2020 to refuse him international protection. The First-tier Tribunal, in a decision promulgated on 21 October 2020, dismissed the appeal. The appellant now appeals, with permission, to the Upper Tribunal.
2. Granting permission, Upper Tribunal Judge Pickup at [1-5] has given detailed reasons for rejecting many of the grounds of appeal. He has, however, not limited the grant (see *Safi and others (permission to appeal*

decisions) [2018] UKUT 388 (IAC)). At [6] of the grant, Judge Pickup has focused on [30-31] of the First-tier Tribunal's decision. He considered that it was arguable that the First-tier Tribunal judge has given a 'bare rejection' of the appellant's account without adequate reasoning.

3. The respondent accepts that the appellant acted as a 'kolbar' or smuggler of goods across the Iranian border. The judge found that the appellant had suffered injuries consistent with having been shot whilst carrying out smuggling. However, he rejected the appellant's claim that he had any interest in the KDPI or other separatist/rebel political activity in Iran. He found that the appellant's claim that he had been ambushed by Iranian forces whilst distributing leaflets for the KDPI was untrue.
4. The findings of the judge occur throughout paragraphs [12-31] of his decision. The appellant argues that the judge has not provided adequate reasons for his rejection of the appellant's account. Mr Tan, who appeared for the Secretary of State at the Upper Tribunal initial hearing, submitted that the decision must be read as a whole. The findings at [30-31] are essentially a summary of the earlier findings and a confirmation that the judge had considered all the evidence before rejecting the appellant's account.
5. I agree with that submission. The judge has given reasons at [15], [18], [19], [22] for finding that the appellant's account of the ambush was not credible, in particular that; it made no sense for the appellant to have exposed himself to risk when he was aware that kolbars who worked for the KDPI would be treated much more harshly than mere smugglers working for profit or that he would expose himself to risk having been ill treated previously; the account of posting lookouts prior to the ambush was not credible; the background evidence did not support that the appellant's claim of having suffered mistreatment as a mere kolbar as opposed to a political activist; the sums required to get to the United Kingdom to claim asylum were beyond the financial circumstances described by the appellant. In my opinion, paragraphs [30-31] of the decision seek to conclude the judge's assessment of credibility and, as such, those paragraphs are bound to be somewhat general in nature; the detailed reasons of the judge have been delivered earlier in the decision as I have explained above. Having already given detailed reasons there was no need for the judge to repeat those reasons in his conclusion. The judge's other purpose at [30-31] is, correctly, to confirm the holistic nature of his analysis. I have no reason to doubt that the judge did consider, as he says he did, all the evidence before reaching his conclusions. Contrary to what is asserted in the grounds, I find that the reasons given by the judge are cogent and adequate.
6. The judge accepted that the appellant may have been wounded by a gunshot whilst smuggling. However, that finding did not prevent the judge from finding that the appellant was not politically active or that he had not worked for the KDPI. As the judge says at [29], background evidence indicates that the Iranian forces 'shoot [at kolbars] every so often to make

a point.' More troubling perhaps is the omission of any specific discussion by the judge of the burns found on the appellant by the medical expert. Background evidence indicates that burning is used by border forces when interrogating rebel activists whom they detain. However, I am satisfied that the judge was mindful of this part of the evidence in making his holistic assessment; he was not obliged to refer in his decision to each and every item of evidence. The omission is insufficient *per se* to undermine the judge's analysis. Moreover, I find that the judge did not fall into material error by referring at [22] to the *modus operandi* of agents working with asylum seekers leaving Afghanistan, as opposed to Iran. The point made by the judge (that final payments are only made after an asylum seeker's family are notified that he/she has arrived safely in the country of refuge) is a general one and applicable to such activities globally. Even if the judge has erred by raising an immaterial matter, I cannot see that any error is serious or that it may have infected his otherwise sound and even-handed consideration of the evidence.

7. Finally, as regards the appellant's claimed *sur place* activity on Facebook, I am satisfied that the judge has not erred in law. The judge's finding [32] that the appellant would delete any potentially damaging Facebook account before returning the Iran and that he could truthfully confirm if interrogated on return that he has no interest in separatist politics were available to him on the evidence. The appellant would present as nothing more than a Kurdish male with no political profile and, as such, is not at real risk on return.
8. For the reasons I have given, the appeal is dismissed.

Notice of Decision

The appeal is dismissed.

Signed

Date 22 April 2021

Upper Tribunal Judge Lane

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

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