Upper Tribunal
(Immigration and Asylum Chamber) Appeal Number: AA/02336/2013

THE IMMIGRATION ACTS

Heard at Field House	**Date Sent**
On 4th July 2013	**On 12th July 2013**
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Before

UPPER TRIBUNAL JUDGE REEDS

Between

S N
(ANONYMITY DIRECTION MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr R Halim, Counsel instructed on behalf of Irving & Co Solicitors
For the Respondent: Mr E Tufan, Home Office Presenting Officer

DETERMINATION AND REASONS

1. This appeal is subject to an anonymity direction that no report or other publication of these proceedings or any part or parts of them shall name or directly or indirectly identify the claimant. Reference to the claimant may be by use of his initials but not by name. Failure by any person, body or institution whether corporate or incorporate (for the avoidance of doubt

to include either party to this appeal) to comply with this direction may lead to a contempt of Court. This direction shall continue in force until the Upper Tribunal (IAC) or an appropriate Court lifts or varies it.

2. The Appellant is a citizen of Iran, born in 1987. He appeals with permission against the decision of the First-tier Tribunal (Judge Hodgkinson), who in a determination promulgated on 16th April 2013 dismissed his appeal against the Respondent's decision of 22nd February 2013 to refuse to grant him asylum under paragraph 336 of HC 395 (as amended) and to issue directions for his removal from the United Kingdom.

3. The history of the appeal is as follows. The Appellant left Iran in February 2012, with the assistance of an agent who, he claims, provided him with two false passports. The Appellant arrived in Abu Dhabi, where he successfully applied for a Tier 4 Student visa on 7th March 2012, which visa was valid from 18th March 2012 until 29th May 2013.

4. The Appellant spent time in Qatar and Dubai before coming to the United Kingdom. He transited for three hours in Egypt in addition. The Appellant arrived in the United Kingdom, at Heathrow Airport on 22nd March 2012 and claims to have travelled using one of the passports which, he claims, was provided by the agent, although this was not accepted by the Respondent. In that respect it was asserted on behalf of the Respondent that the Appellant had not used a false passport to enter the United Kingdom. This is based on information that they had received from the National Border Targeting Centre (the NBTC), part of the intelligence, targeting and watch listing command within customs and National Operations Directorate, who had conducted checks with the airlines on the Appellant's air travel. It was said by the Respondent that the Appellant had left Cairo International Airport in Egypt on 21st March 2012, by Egyptair flight MS0777 at 9.20 a.m. and arrived at London Heathrow, with the Appellant using his own valid passport on which he had applied for his visa. The Respondent therefore considered that he had withheld his true details of his journey to the UK.

5. The Appellant having arrived in the United Kingdom on 5th April he made an appointment to attend the Respondent's Asylum Screening Unit (ASU) and he claimed asylum on 28th May 2012.

6. The basis of the Appellant's claim related to his activities in Iran and in particular his involvement with a group called Sonat Bavaran, the Appellant being the head of the group. This was a group that the Appellant with six others had begun to help Sunni Muslims by providing them with assistance in financial, educational and social issues. It was asserted that during the first part of those activities on behalf of Sonat Bavaran, the Appellant was involved in distributing leaflets. In October 2006, the Iranian government announced that Sunnis could not conduct their special prayers for Eid in their own mosque thus the Appellant and a few of his friends went to the house of a Sunni Imam and that was

subsequently raided. The Appellant and five other young men were arrested and taken to a detention centre during which time he was beaten during detention. On 1st November 2006 he was taken to court and found guilty of public disorder and sentenced to eighteen months' imprisonment with 36 months' suspended imprisonment. He was released on 21st April 2008.

7. The Appellant returned then to Chabahar and began to assist the Imam in organising celebrations. The Sonat Bavaran group started work in an office of the mosque known as the Youth Branch. The Appellant and others would hold meetings and write articles and leaflets. The Appellant had been introduced to the Imam of the mosque in Zahedan and continued to find financial resources for the mosque there. He would travel to Dubai to find a sponsor to help expand the mosque. In November 2010 the Appellant was there for three days to obtain finance. Upon return to Iran he was arrested and charged with obtaining money from foreign authorities for expanding a Sunni mosque. He was held for three months in a detention centre and during interrogation was told that the office at the mosque was raided and their belongings were taken. The Appellant was subjected to mental pressure during detention. After three months he was released in or about February 2011 and the conditions of release were that he was to report fortnightly. He was taken to court but there was insufficient to proceed with the hearing and he was released on bail. His release was secured by his father and uncle offering money by way of bail bonds. After his release, he returned to his parents' house in Shiraz. The activities of Sonat Bavaran continued through the Appellant creating a group page on Facebook. The Facebook page for Sonat Bavaran was set up approximately two months following his release. The privacy setting was "secret" and the membership grew to just over 2,450 members. Their activities continued in Chabahar. On 4th July 2011 the Appellant reported to the authorities but on 8th July the security forces came to his father's home, seeking to arrest the Appellant who was out of the house at the time. The Appellant's computer was confiscated. The Appellant did not return home, went into hiding and managed to flee Iran in February 2012. On 28th February 2013 a court hearing in Iran went ahead without the Appellant who had been found guilty. Sentence was yet to be passed. The Appellant claimed that he could not return to Iran as his life was in danger.

8. The Respondent in the refusal letter dated 22nd February 2013 considered the factual aspect of the Appellant's claim in respect of his membership of the Sonat Bavaran, the circumstances of his first arrest, his second arrest, the charges that were allegedly brought against him, the raid on the house and his Facebook activities. The Respondent also considered the delay in making his asylum claim and the issue of the Appellant's use of a passport to enter the United Kingdom. In doing so, the Respondent did not accept as credible the account given by the Appellant concerning the material facts for a number of reasons set out in the refusal letter citing that his account was inconsistent in material respects and was not credible. The Respondent relied on Section 8 of the Asylum and Immigration (Treatment

of Claimants, etc.) Act 2004 and found that to be a matter to affect his credibility and further in respect of his claim to have entered the United Kingdom by the use of a false passport was considered in the light of intelligence information from National Border Targeting Centre which had conducted checks with the airline on the Appellant's air travel noting that the Appellant had used his own valid passport thus it was considered he had withheld his true details of the journey to the UK in order to facilitate a false claim for asylum. Thus the Respondent did not find the Appellant had demonstrated a well-founded fear of persecution and refused his application. The Respondent issued directions directing his removal to Iran.

9. The Appellant exercised his right to appeal that decision and it led to the appeal coming before the First-tier Tribunal (Judge Hodgkinson) sitting at Hatton Cross on 10th April 2013. In a determination promulgated on 16th April 2013 Judge Hodgkinson dismissed his appeal. This was a comprehensive determination in which the judge considered the factual account given by the Appellant and set out findings of fact from paragraphs 35 to 77 concluding at paragraphs 75 and 76 that:-

> "75. Having taken into account the totality of the evidence which is before me I conclude, even applying the lower standard of proof, that the Appellant is, in fact an individual whose core account is a completely fabricated one and that he is not a witness of credibility. I arrive at this conclusion, having considered all of the evidence before, to salient aspects of which I have referred above.
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> 76. Consequently, and specifically, I find as a fact that the Appellant was never a member of Sonat Bavaran. I conclude that the Appellant was never arrested and detained in 2006, that he was not arrested in 2010 or at all. I conclude that the Appellant's house was not raided at any stage by the authorities and I find as a fact that the Appellant never went into hiding. I reiterate that I conclude that the Appellant actually travelled to the United Kingdom using his own properly issued Iranian passport. I find as a fact that no court proceedings have ever been instigated against the Appellant, or against any member of his family, and I find the various documents relied upon by the Appellant, in relation thereto, to be thoroughly unreliable."

10. Thus the judge was satisfied that the Appellant had left Iran entirely legally and that he had fabricated his account of leaving clandestinely with an agent. He concluded that the Appellant was not, and never had been, of any adverse interest to the Iranian authorities and that he had fabricated his entire account to falsely establish an asylum claim (see paragraph 77 of the determination). In summary, he rejected the entirety of the Appellant's core account of events. Thus he dismissed the appeal.

11. The Appellant sought permission to appeal that decision on four principal grounds and on 9th May 2013 permission was granted by the First-tier Tribunal (Judge Saffer) for the following reasons:-

"The grounds are arguable for the reasons given in the application, and in particular a possible misunderstanding of a key document. All grounds may be argued."

12. The appeal came before the Upper Tribunal. At the hearing Mr Halim, on behalf of the Appellant relied upon the grounds. The first ground related to the documentary evidence in the appeal. The Appellant had provided six documents including the court verdict, documents relating to sureties, and a court summons. It was asserted that the judge incorrectly noted that the summons dated 12th October 2011 was addressed to the Appellant's father and that the summons specifically stated that "The court has called Mr S N and not the Appellant's father" as said by the judge. Because of this error of fact, it was submitted that the judge erroneously suspected the credibility of the Appellant's fifth document, which was a notice from the Justice Department of Fars Province dated 20th January 2013, stating a hearing date for the applicant. It was due to the judge's belief that the October 2007 letter was sent to the applicant's father that the judge did not find the following document to be plausible and that the Iranian authorities would issue the 20th January 2013 notice.

13. In respect of a further document namely a court verdict from 1st November 2006 this was a document the judge omitted to consider. The judge found that the court verdict could not be relied upon. The return date for the applicant to return to court was recorded on the translation as 30th May 2012 rather than 30th May 2013. The judge found that that damaged the Appellant's credibility. However the judge had given considerable weight to what would appear to be no more than a translation error that did not give any weight to the four documents (confirmation of surety and summons, the notice of the Justice Department) that he finds to be consistent with the Appellant's claim. The judge did not give proper consideration to the documents "in the round" as set out in the decision of **Tanveer Ahmed**. Mr Halim submitted that this was even more important as the documents, save for the 2013 court verdict, although they were served on the Respondent were not referred to in the refusal letter.

14. As to Ground 2 this relates to the failure to consider the court verdict dated 1st November 2006. It was submitted that the judge referred to the court verdict of 1st November only in finding that it was consistent with his account of being arrested. The judge failed to consider what weight should have been attached to that document.

15. In respect of Ground 3, this related to the judge's reliance on the screening interview. It was submitted that the judge relied on two purported discrepancies arising out of information given during the Appellant's screening interview. The first related to his evidence concerning the passport he used to travel to the UK (paragraphs 64 to 66 of the determination) and secondly, the discrepancy over whether other members of Sonat Bavaran were arrested with the applicant (see findings of fact at paragraphs 59 to 62). Mr Halim relied upon the decision of the

Tribunal in **JL (Rely on SEF) China [2004] UKIAT 00145** and that the judge placed considerable weight on those alleged discrepancies notwithstanding the Appellant's explanations. In any event, it was submitted that the Appellant's evidence as recorded in the screening interview was not clearly inconsistent with the account given in his asylum interview. With regard to the passport, the judge noted in the screening interview that when asked about his national passport, the Appellant said that he had lost it last week however what was not recorded by the judge was that when he was asked "What document did you use to travel to the UK?" the Appellant replied "A passport provided by the agent because in Iran they were after me and I did not have a passport." It was submitted that at best the applicant's evidence regarding when he had last had his own passport was not clear from the screening interview and it was wrong to rely upon it. In respect of whether others were arrested with the applicant, it was submitted that it was not clear from the response at question 4.2 of the screening interview whether he was referring to his first or second arrest. It was contended that the judge had erred in law by placing such significance at best on clear statements in a screening interview.

16. Ground 4 relates to an alleged misunderstanding of fact. It was submitted on the Appellant's behalf that the judge relied upon a discrepancy regarding the date the applicant was arrested in 2006 (at paragraphs 51 to 57 of the determination). The judge noted that the Appellant stated in his asylum interview and witness statement that he was arrested on 23rd October 2006 but the judge found that the applicant had discrepantly stated that he was arrested on 6th and 7th November 2006. The applicant was referring to the 2010 arrest as regards the 6th to 7th November date. As recorded in the determination the applicant sought clarification during asylum interview over which arrest the questioner was referring to at the end of question 198 and states "It was the same day and month but it was on my second arrest in 2010". This, contrary to the findings of the judge is entirely consistent with his statement and why he did not believe there to be any consistency in the evidence given during his interview.

17. For all of those reasons it was submitted that this was a case where there was a clear error of law and the decision should be set aside and there should be a "de novo" hearing by way of a remittal to the First-tier Tribunal.

18. Mr Tufan on behalf of the Secretary of State relied upon the Rule 24 response dated 29th May 2013. In that response, the Respondent opposed the Appellant's appeal. In summary, it was submitted that the judge directed himself appropriately and that the judge had made a careful assessment of the Appellant's evidence and the documents produced in paragraphs 35 to 80 of the determination. It was further submitted that the Appellant had been considered in the round and the judge had reached sustainable findings. Mr Tufan submitted that irrespective of the grounds the judge had made a finding at paragraphs 65 and 66 concerning the Appellant's journey to the United Kingdom and those

findings made the grounds in any event irrelevant. The Appellant arrived in the UK using his own passport which was a genuine passport checked by the authorities and was found to be genuine and the judge made a finding to that respect. The Appellant therefore travelled on his own personal Iranian passport and that damaged his credibility to the extent of undermining the entirety of his account. He could not be at risk of persecution at the hands of the Iranian authorities if he had travelled using his properly issued Iranian passport in the way asserted by the Respondent.

19. Nonetheless, in addressing the grounds, the first ground relied upon by the Appellant was factually incorrect. It was asserted that the judge incorrectly noted that the summons dated 12th October 2011 was addressed to the applicant's father and because of that error the judge erroneously suspected the credibility of a further document dated January 2013 and thus it was due to the judge's incorrect consideration of the document of October 2011 that he did not find it plausible that the Iranian authorities would issue the 20th January 2013 notice.

20. Mr Tufan submitted that it was clear from the face of that document that it was, as the judge correctly noted, a document addressed to the Appellant's father. It sets out the Appellant's father's name, gives his occupation as "pensioner" and that clearly did not relate to the Appellant and looking at the body and content of the document, the reasons for him to attend were clear and that was on the basis that the Appellant had not attended court. In those circumstances it was clear that it referred to the Appellant's father and what was drafted in the grounds was wholly erroneous. However if it is right that all the mistakes started from this, that also is erroneous because the judge started on the right premise from the start.

21. In respect of the assertion that the court verdict was not relied on because this was a "translation error" as the judge noted it had never been put to the judge that there was any translation error or any typographical error and there was no evidence before him that that was the decision and the translation and the document both appeared to state the year as 2013 thus there was no error in the way the judge assessed the document.

22. As to the grounds advanced in respect of the screening interview, Mr Tufan submitted that the decision of the Tribunal in **YL (China)** did not say that a screening interview could never been relied upon. Whilst detailed reasons are not asked, the screening interview and its contents may be relied upon and the Appellant should tell the truth. It is also stated that a screening interview may be well conducted when an asylum seeker is tired after a long journey. No such issue arises in this appeal as the Appellant had been in the United Kingdom for some time before he undertook the screening interview. As to the Ground 4, the judge did not make a misunderstanding of fact and in any event the Appellant's account as a whole as in respect of other matters was found to be inconsistent and

not credible. In particular, the fact that he had entered the United Kingdom using his own Iranian passport demonstrated that he was not at risk from the Iranian authorities in the way that was claimed.

23. By way of reply, Mr Halim submitted that whilst the Presenting Officer had stated that the grounds were irrelevant in view of the Respondent's case that the Appellant had entered the United Kingdom using his own Iranian passport, that was only a discrete part of the evidence and could not determine all the issues and does not go to the heart of the claim. He further submitted in respect of **Tanveer Ahmed**, that all the evidence must be looked at in the round and the judge did not do that in this appeal. When asked by the Tribunal whether he accepted that paragraph 3 of Ground 1 as drafted was incorrect and that the judge did not erroneously note the contents of the summons, Counsel then accepted that the grounds as drafted were incorrect. Nonetheless he relied upon the **Tanveer Ahmed** point that the judge should have made overall credibility findings by looking at the evidence "in the round".

24. I reserved my determination.

Conclusions on the error of law:

25. There are four grounds of challenge to the First-tier Tribunal decision. I shall deal with each ground. The first and second grounds relate to the documentary evidence produced by the Appellant in furtherance of his appeal. As noted in the grounds, he had provided six documents in support of the appeal namely a court verdict dated 31st August 2013, two court documents stating that the applicant's father and uncle had previously acted as sureties for the applicant's bail, a summons dated 12th October 2011, a court verdict dated 1st November 2006 and a notice from the Justice Department of Fars Province dated 20th January 2013 stating a hearing date for the applicant.

26. The grounds assert the judge in error noted that the summons dated 12th October 2011 is addressed to the Appellant's father. The grounds state:-

> "The summons specifically states that the court has called Mr S N, because of the error of fact, the First-tier Tribunal Judge erroneously suspects the credibility of the Appellant's fifth document, a notice from the Justice Department of Fars Province dated 20th January 2013 stating a hearing date for the applicant. It was due to the First-tier Tribunal Judge's belief that the October 2007 letter was sent to the applicant's father that did he did not find it plausible that the Iranian authorities would issue the 20th January 2013 notice."

27. Thus is can be seen that the grounds allege that the judge made a mistake of fact by stating that the summons of 12th October 2011 was addressed to

the Appellant's father and it was this that led the judge to suspect the credibility of the document dated 12th January 2013. This ground was initially relied upon by Mr Halim in his oral submissions. It was not until the submissions of the Presenting Officer that the grounds had wholly misconceived the evidence that it was accepted that the grounds in that respect as drafted were erroneous. The judge deals with that document at paragraph 69. The judge said this:-

> "69. At pages 18-19 of the Appellant's bundle is a document entitled *Warning paper*, with translation thereof, purporting to have been issued by the Ministry of Justice in Iran. It is addressed to the Appellant's father and is dated 12 October 2011. It requires the Appellant's father to attend the prosecution office three days after the receipt of the letter, on the basis that the Appellant himself had refused to attend. It indicates that an arrest warrant would be issued if the Appellant's father does not attend. Again, the content of this document is broadly consistent with the Appellant's account of going into hiding after 8 July 2011."

The judge at paragraph 70 considers this document in the light of the document exhibited at pages 22 to 23 which was the document allegedly issued by the Justice Department on 20th January 2013 notifying the Appellant that he should attend court with regard to certain accusations against him. As the judge records:-

> "That document does not explain why the Appellant should be required to attend a court hearing over 18 months after his 'disappearance' and in circumstances where his father had already been summoned to attend the Ministry of Justice in October 2011, because the Appellant had refused to attend there. Again, it is a document which is broadly consistent with the Appellant's core account but I have concerns regarding its reliability for the reasons I have set out within this paragraph of my determination."

28. It is entirely clear from reading the contents of the document dated 12th October 2011 that this was indeed a document relating to the Appellant's father. It gives his name, N N and gives his occupation as "pensioner". It further gives the reasons for his attendance because the court had called S N (the Appellant) as the accused to attend the court office as required to do so. It then refers to "you" which refers to the Appellant's father should attend.

29. In those circumstances the grounds are founded on an entirely false premise. It is plain from the determination that the judge considered both documents in the light of the Appellant's account as a whole and whilst on the face of it the documents seem to be broadly consistent with his account, the judge reached the conclusion that in respect of the document issued on 20th January 2013, it was a document he did not find reliable because it did not explain why this Appellant should be required to attend a court hearing eighteen months after his "disappearance" and in the circumstances where his father had already been summoned to attend at the Justice Ministry as long ago as October 2011. It was a finding entirely

open to the judge to make on the evidence before him and to assess its reliability in that context.

30. In the context of the documentary evidence, there is a general criticism advanced on behalf of the Appellant that the judge failed to give a proper consideration to all the documents "in the round" and in the light of the guidance given to judges in the case of **Tanveer Ahmed**. Furthermore, the judge appeared to give weight to what appeared to be a translation error or failed to consider properly what weight should be attached to a court verdict dated 1st November 2006 (see Ground 2).

31. I have considered those submissions and I do so in the context of considering the determination as a whole. This was a carefully considered decision which took into account all the evidence before the judge, both documentary and oral and in making an overall assessment of the Appellant's claim.

32. When considering documentation, I remind myself of the guidance given in the decision of the Tribunal in **Tanveer Ahmed [2002] UKIAT 00439** in which the Tribunal acknowledged the argument that "documents and information contained in them may be either genuine or false; documents may be genuine but that information itself may be false; documents may not be genuine but the information may nonetheless be true." The Tribunal in that case went on to state

> "It is trite in immigration and asylum law that we must not judge what is or is not likely to happen in other countries by reference to our perception of what is normal within in the United Kingdom. The principle applies as much to documents as to any other form of evidence. We know from experience and country information that there are countries where it is easy and often relatively inexpensive to obtain 'forged' documents. Some of them are false in that they are not made by whoever purports to be the author and the information they contain is wholly or partially untrue. Some are 'genuine' to the extent that they emanate from a proper source, in the proper form, on the proper paper, with the proper seals, but the information they contain is wholly or partially untrue. … The permutations of truth, untruth, validity and 'genuineness' are enormous. At its simplest we need to differentiate between form and content; that is whether a document is properly issued by the purported author and whether the contents are true. They are separate questions. It is a dangerous oversimplification merely to ask whether a document is 'forged' or even 'not genuine'."

The only question is whether the document is one upon which reliance should properly be placed. Such documentation should be not looked at in isolation but should be assessed along with other pieces of evidence and therefore "in the round."

33. It is clear from the determination that the judge plainly had in mind the decision of **Tanveer Ahmed** and how it should be applied when he stated at paragraph 36:-

> "36. I would comment at this stage that the Appellant has produced various documents in support of his claim and appeal and I have referred below to specific documents of relevance. I would confirm at this stage that I have considered all documents submitted in accordance with *Tanveer Ahmed* principles **(Tanveer Ahmed (Documents unreliable and forged) Pakistan * [2002] UKIAT 00439)**, by considering them as part of my consideration of the evidence before me as a whole and in the round. I would add that none of those documents was taken into account by the Respondent when refusing the Appellant's asylum claim, even though it would appear that the majority of them had been submitted to the Respondent some days prior to the date of refusal."

34. It is further plain from reading the determination a whole that this was the test that the judge applied when considering the documents and the evidence as a whole.

35. The judge's findings are comprehensive. They are set out in the determination at length at paragraphs 35 to 37. The core of the Appellant's account related to his involvement with the group he had started with six others called the Sonat Bavaran, the Appellant being the head of the group. There were three different stages to Sonat Bavaran activities. In summary, the first stage, or period, was between when the Appellant started university and the time that he was first arrested in October 2006. At the time of his arrest, he had been expelled from university. The second stage, or period, started after the Appellant returned to Chabahar, up until his second arrest in November 2010. During this period, the Appellant and his associates used to work in the Youth Branch office of the mosque and limited their activities between themselves; i.e. not trying to encourage others or to expand the faith. The third stage, or period, was from the point that the Appellant moved to Shiraz, until the time that he fled Iran.

36. In respect of the Appellant's release in 2007 when he returned to his parents' house in Shiraz, it was claimed that he set up a Facebook page for Sonat Bavaran two months after his release and that on 8th July 2011 security forces came to the house to arrest him, his computer was confiscated and he left Iran. The judge made a number of findings in relation to the group known as Sonat Bavaran and the Appellant's alleged activities. At paragraph 41 and 42 the judge said this:-

> "41. At page 13 of the Appellant's bundle is a screenshot of the Sonat Bavaran Facebook group page and, on that page, reference is made to there being 2,452 members, which is consistent with the Appellant's evidence, in his asylum interview, that Sonat Bavaran on Facebook had 2,450-2,460 members, as as referred to above (AIR Q 43). In cross-examination of the Appellant, Ms Jannath noted that the Sonat Bavaran Facebook page indicated that there was a post on that page as

recently as 30 April 2012, which is significant, bearing in mind evidence to which I refer below.

42. As noted in paragraph 59 of the RFRL, the Appellant's evidence in his asylum interview was to the effect that the group of which he is a member, Sonat Bavaran, joined Facebook in 2011 (AIR Q 35). The Appellant confirmed that he stopped using the Sonat Bavaran Facebook account on 8 July 2011, because, around August time (no year provided) 'they' raided the Appellant's house and told the Appellant's family that he had to stop the Facebook activity (AIR Q 53-54). The Respondent noted that the Appellant made no mention of any raid occurring in August in any other part of his evidence. Furthermore, the Respondent indicated that, if the raid on the Appellant's house occurred in August 2011, then this would have occurred after the date upon which the Appellant claimed to have stopped his Facebook activity, thereby negating the reason he gave for his Facebook activity stopping. The Respondent added that, if the Appellant had meant that the raid had occurred in 2010, then this would have been before the date on which the Appellant claimed to have joined Facebook (AIR Q 35). The Respondent also considered that this element of the Appellant's account was inconsistent."

37. The judge deals with the Appellant's evidence concerning the Sonat Bavaran "Facebook" account at paragraphs 38 to 47. Those findings can be summarised as follows. With reference to the Sonat Bavaran the Appellant had provided detail regarding the Facebook group which he claimed to have set up but that in his evidence he had claimed that it was a top secret group which was inconsistent with the Appellant's account that it had 2,450 – 2,460 members. The judge considered a printout of the Facebook page and upon it noted that there was a reference about how to create a "small group" on Facebook as the Appellant claims he did and also it referred to the ability to make such an account secret. However, the judge found it inconsistent in the Appellant's claim that there were 2,450 – 2,460 members of the Facebook group. The Appellant in his evidence acknowledged there had been any face-to-face contact between, on the one hand the Appellant and his small group of Sonat Bavaran associates, and on the other hand the additional people who were permitted to join the Facebook group. The judge found that that appeared to "fly in the face of the contention that it was a secret group." At page 13 of the bundle there was a screenshot of the Sonat Bavaran Facebook. In cross-examination of the Appellant, it was noted that the Facebook page indicated there was a post on that page as recently as 30th April 2012. The judge found that to be significant for the reasons that he gave at paragraph 42. The Appellant's evidence was to the effect that the group of which he was a member Sonat Bavaran, joined Facebook in 2011 (see question 35). He had confirmed that he had stopped using the Sonat Bavaran Facebook account on 8th July 2011 because at around August time "they" raided the Appellant's house and told the family that he had to stop the Facebook activity (questions 53 to 54). The Respondent noted that the Appellant had made no mention of any raid occurring in August in any other part of his evidence. Furthermore it was indicated that if the raid on

the house occurred in August 2011, this would have occurred after the date upon which the Appellant claimed to have stopped his Facebook activity, thereby negating the reason he gave for his Facebook activity stopping. The Respondent added that if the Appellant had meant that the raid had occurred in 2010, then this would have been before the date on which the Appellant claimed to have joined Facebook. The judge noted that in cross-examination, the Appellant was referred to the Sonat Bavaran Facebook at page 13 and he was asked when the Facebook page was closed. The Appellant replied that after the raid on the house, the group did not use it. He also stated that after a while the Appellant closed it confirming that the Facebook page was closed on 8th July 2011 and the judge noted that that was the Appellant's given date for the claimed raid on the house rather than August which was the date that he had given earlier.

38. The judge at paragraph 44 then notes that the Appellant was referred to the Facebook page at page 10 of the bundle and confirmed that this was his personal Facebook page and that the Facebook page at page 13 was the Sonat Bavaran page. The judge records that it was noted by the Presenting Officer and raised with the Appellant the fact that the Sonat Bavaran Facebook page indicated that the page had action on it on 30th April 2012 which was inconsistent with the Appellant's indication that he had closed it on 8th July 2011. The judge records the Appellant's explanation at paragraph 45 namely that he thought it took a few months for a Facebook page to be closed completely. The judge found that explanation as "seriously inconsistent with his earlier indication that he closed it in July 2011, there being no cogent evidence before me to indicate that it would take several months for a Facebook page to be closed down." In re-examination, the Appellant gave further inconsistent evidence. He then stated it took a while for the Facebook page to be closed because he was in hiding with no internet access. The judge then records that the Appellant stated in his evidence that he had closed the Sonat Bavaran Facebook page in April 2012. The judge noted that that was clearly inconsistent with his earlier indication that he had closed it in July 2011.

39. Thus the judge found at paragraph 47:-

> "47. In all the circumstances, I find this element of the Appellant's evidence to be both inconsistent and damaging to his credibility. Whilst there is documentary evidence before me to indicate that there was a Sonat Bavaran Facebook page in April 2012, there is no evidence before me which establishes that Sonat Bavaran's Facebook account existed before 2012 or, indeed, that the Appellant himself was ever involved with Sonat Bavaran, whatever the purpose of that organisation might actually be."

The grounds do not challenge any of those findings of fact which form a central part of the Appellant's account.

40. The judge then dealt with the Appellant's account of being arrested in 2006. Those matters are dealt with at paragraph 51 and 52. The

Appellant's claim was that it had been announced by the Iranian government that Sunnis were not allowed to undertake different prayers from Shias and it was noted that the Appellant was trying to celebrate the end of Ramadan and that he and others got together at the house of an Imam. It was his account that while the meeting was happening the security forces came in and arrested them. It was the Appellant's evidence that he was arrested the day before Eid on 23rd October 2006 however later in his interview he stated that his first arrest occurred on 6th or 7th November 2006. The Respondent noted that there was a difference of thirteen to fourteen days between the two dates provided, and bearing in mind that the Appellant was an educated person who had provided consistent dates in the rest of his account, considered that this inconsistency damaged the credibility of the Appellant in terms of that claimed arrest.

41. It is clear from the account given in the Appellant's asylum interview that the Appellant had given inconsistent dates concerning his first arrest, an event that it is reasonable to expect the Appellant to be consistent about in the light of his education and of the importance of that event. The judge in that context considered a document purportedly issued by the Justice Ministry in Iran dated 1st November 2006. At Ground 2 it is asserted that the judge failed to consider the document or in the alternative failed to consider what weight should be attached to it.

42. The judge looked at the document noting at paragraph 53 that the document referred to an investigation of 1st November 2006 and referred to the Appellant as being the defendant in the prosecution. It also referred to a hearing taking place on 1st October 2006 and a verdict having been passed in relation to the Appellant in which he was found guilty and that he was sentenced to eighteen months and 36 months suspended. The judge found that on the face of it the document was consistent with his indication that he was sentenced but found that it was inconsistent in terms of the suggestion that the Appellant was arrested on 6th or 7th November 2006 which is what the Appellant had said in his interview.

43. The judge when making an assessment of this issue considered the Appellant's account as given in his witness statement. The judge records this:-

> "54. In paragraph 26 of his statement, the Appellant indicates that he believed that there was confusion in terms of his preceding account. He adds that he and his colleagues used to work in an office during the second period; that is, the period following the Appellant's claimed release from detention following the service of his 18-month term of imprisonment. He adds that, when he was arrested at the airport (in November 2010), 'they' raided the office of the mosque and that, for a short period of time, they arrested his colleagues, but that they released his colleagues shortly after confiscating the contents of the office. So far as I can understand it, the Appellant appears to be seeking to explain, in his statement, that the reference to an arrest on 6/7 November was, in fact, a reference to the raid on the office of the

mosque in November 2010, rather than a reference to the Appellant's arrest in 2006.

55. Consequently, the Appellant's indication, in his statement, is to the effect that he did not believe that there had been any inconsistency in his evidence. He adds that he believed that the interpreter, at his asylum interview, made some mistakes as, for example, at question 144 of the interview, she admitted that she had made a mistake. However, it appears to me that, on the one hand, the Appellant appears to be suggesting that there is no inconsistency in relation to the preceding element of his evidence whereas, on the other hand, he appears to be suggesting that any inconsistencies might be explained away by the interpreter making mistakes.

56. I would add that, at question 198 of his asylum interview, it is recorded that the Appellant was asked on what date the mosque office was raided and his recorded response is: '*06/07 November 2006, the day I was arrested. You mean when they actually raided the office?*'. At question 199 the interviewing officer confirmed that this was a reference to the day that the mosque office was raided and the Appellant replied: '*It was the same day and month but it was on my second arrest in 2010*'. Such evidence is, I find, broadly consistent with the Appellant's core account of events.

57. However, whilst I have borne in mind the Appellant's evidence, and explanation for the above discrepancy, I do not find that it explains why the Appellant initially said, in answer to question 198 of his asylum interview, that he was arrested on 6/7 November 2006, or why he initially indicated that the mosque office was raided on that date, even though he then changed this to 2010. The Appellant's evidence does not adequately explain why, earlier in his asylum interview, he clearly stated that he was arrested on 23 October 2006. I find such discrepancy to be damaging to the Appellant's credibility and with specific reference to his claim that he was arrested at all. I would add that there is no persuasive evidence before me which might cause me to conclude that the interpreter wrongly interpreted this element of the Appellant's evidence, despite his suggestion otherwise, and I note that, in the Appellant's solicitors' written submissions of 8 February 2013, there is no suggestion that this element of the Appellant's evidence is wrongly recorded.

58. In paragraph 50 of the RFRL, the Respondent noted that the Appellant claimed that, following the 2006 arrest, he was placed in detention, where three of them were put in one cell and that they were detained for three days (AIR Q 18). His evidence was that he was then taken to Shiraz, where he continued to be detained (AIR Q 19). The Appellant's evidence is that, after initial procedures, he was taken to a prison (AIR Q 20) and that, after one week, he had a court hearing in Shiraz (AIR Q 20-21). He added, in his asylum interview, that a court verdict was issued against him on 1 November 2006 (AIR Q5) which, again, the Respondent considered was inconsistent with the Appellant's answer to question 198 of his asylum interview, when he stated that he was not arrested until 6/7 November 2006."

44. It is plain from these paragraphs that the judge took into account the assertions made by the Appellant that he believed there to be a confusion in terms of the preceding account. At paragraph 54, on the basis that the Appellant sought to explain the discrepancy by stating the reference to his arrest on 6th or 7th November was a reference to the raid on the office of the mosque in November 2010, rather than the arrest in 2006. The judge also took into account the witness statement and the Appellant's account that he did not believe that there had been any inconsistencies in his evidence and also his account that the interpreter in the asylum interview had made a mistake. As the judge observed at paragraph 55:-

> "However, it appears to me that, on one hand the Appellant appears to be suggesting that there is no inconsistency in relation to the preceding element of his evidence whereas, on the other hand, he appears to be suggesting that any inconsistencies might be explained away by the interpreter making mistakes."

45. The judge then considers the asylum interview and the chronology of those questions and answers given by the Appellant. After having done so at paragraph 57, considering all the matters he reaches the conclusion that:-

> "57. However, whilst I have borne in mind the Appellant's evidence, and explanation for the above discrepancy, I do not find that it explains why the Appellant initially said, in answer to question 198 of his asylum interview, that he was arrested on 6/7 November 2006, or why he initially indicated that the mosque office was raided on that date, even though he then changed this to 2010. The Appellant's evidence does not adequately explain why, earlier in his asylum interview, he clearly stated that he was arrested on 23 October 2006. I find such discrepancy to be damaging to the Appellant's credibility and with specific reference to his claim that he was arrested at all. I would add that there is no persuasive evidence before me which might cause me to conclude that the interpreter wrongly interpreted this element of the Appellant's evidence, despite his suggestion otherwise, and I note that, in the Appellant's solicitors' written submissions of 8 February 2013, there is no suggestion that this element of the Appellant's evidence is wrongly recorded."

46. This was a finding that entirely open to the judge on the evidence before him. There is no misunderstanding of fact as alleged in Ground 4. The judge considered the explanation given by the Appellant as to the discrepancy and did so in the light of the court judgment however he did not accept the Appellant's evidence for the reasons that he gave which were ones that were entirely open to him.

47. The judge also dealt with other inconsistencies in the Appellant's evidence and the circumstances of his last arrest. At paragraphs 60 to 63 the judge makes reference to inconsistencies in the Appellant's account as to the events in Iran dealing with the applicant's evidence concerning the passport he used to travel to the UK (see paragraphs 64 to 66) and secondly, a discrepancy concerning the members of Sonat Bavaran and

whether they were arrested with the applicant. These findings are challenged in the grounds specifically at Ground 3.

48. Thus I turn to deal with Ground 3 at this stage.

49. It is asserted on behalf of the Appellant that the judge was wrong to have placed weight on what he considered to be discrepancies arising out of information given during the Appellant's screening interview. There are two discrepancies identified by the judge; firstly the discrepancy over whether members of the Sonat Bavaran were arrested with the applicant and secondly, the Appellant's evidence concerning the passport he used to travel to the UK.

50. Reliance is placed on the decision of **YL (Rely on SEF) China [2004] UKIAT 00145** at paragraph 19. It is submitted that the screening interview is not intended to be a statement of a case and therefore errors are more likely to occur and further, the Appellant's solicitor had written to the Respondent on 8th February 2013 and that when the applicant had tried to give a fuller explanation during his screening interview he was cut short and told he would have a chance to explain himself during the asylum interview. Furthermore, it was asserted that the Appellant's evidence as recorded in the screening interview was not inconsistent with the account that he gave.

51. It is therefore necessary to consider the findings of fact made by the judge dealing with these two issues. The judge dealt with the issue of the inconsistency in the Appellant's evidence relating to whether or not other members of Sonat Bavaran were arrested at paragraphs 59 to 62 of the determination. The judge stated this:-

> "59. In paragraphs 57-59 of the RFRL, the Respondent addressed the Appellant's claim that charges were raised against him, that his house was raided, and his evidence regarding his claimed Facebook activities, to which last issue I have already referred above.
>
> 60. In paragraph 57 of the RFRL, the Respondent noted that the Appellant's evidence, in his asylum interview, was to the effect that he last reported to the authorities, in accordance with the reporting requirement, on 4 July 2011 and that he stopped reporting after that because, on 8 July 2011, the security forces came to his house, seeking unsuccessfully to arrest the Appellant (AIR Q132-133). The Respondent noted that the Appellant's evidence was that he was out of the house at the time, taking his grandfather to the hospital (AIR Q 135). The Appellant's evidence is that none of the other members of the group was involved and that no one was arrested at the office (AIR Q193, 201). However, in his screening interview the Appellant stated that his colleagues were arrested in their office (SI 4.2). The Respondent concluded that this inconsistency was damaging to the Appellant's credibility. In paragraph 30 of his statement, the Appellant simply states that he does not think that he was inconsistent in this element of his evidence, although he clearly was.

61. In the written submissions of the Appellant's solicitors, of 8 February 2013, they state as follows in relation to the preceding evidence:

> 'In the screening interview S N was asked at question 4.2 to explain briefly why he cannot return to Iran. He went on to explain, however S N states that he was cut short, saying that he should give a full explanation during his asylum interview. In any event he wants to clarify that his colleagues were not arrested as it has been recorded. They were instead given a warning.'

62. However, I bear in mind that it is clearly recorded, in answer to question 4.2 of his screening interview, that the Appellant's evidence at that stage was to the effect that his colleagues were arrested, and there is no cogent explanation before me as to why that evidence should have been incorrectly recorded in the SIR. Consequently, I find the Appellant's attempt now to amend that element of his evidence, it being inconsistent with his evidence in his asylum interview, to be wholly unconvincing."

52. In the asylum interview it is clear from questions 200 and 201 and the preceding questions that the Appellant was giving answers concerning the second arrest in 2010 and the raid on the office. Question 200 deals with the raid on the office and at question 201 he is asked "Was anyone arrested at the office?" the answer "They only gave a warning. They had not been arrested anyone they had just given warning."

53. As the judge records there was a clear discrepancy concerning whether the Appellant's colleagues were arrested or not in the light of the answers that the Appellant had given in the screening interview. At the screening interview at question 4.1 the Appellant was asked

> "Question: When did the problems begin?
> Answer: First time arrested in 2006 and in 2010 but nothing proven at this time. Then 8/7/2011 they came after me and I ran."

At question 4.2, the Appellant was asked, briefly to explain, why you cannot return home to your home country?

> "Answer: My life is in danger.
>
> Question: But they did not prove anything so why is your life in danger?
> Answer: Last time the problem was much more serious.
>
> Question: Why was that?
> Answer: My office was in a different city to where I was and I was informed that my office had been raided and colleagues had been arrested. My computer was also seized and my house was raided."

It is clear from reading those answers at paragraph 4.1 and 4.2 that the raid that he was referring to in which the colleagues had been arrested was the last arrest in 2010. That is indicated not only by the Appellant stating that it was "last time" therefore relying on the raid in 2010 but also the circumstances of that raid in which he said his computer had been seized and his house was raided and that was the account that he was later to give in relation to the raid in 2010.

54. The judge records the Appellant in his statement asserting that he did not think that was inconsistent but as the judge recorded he found that to be a clear inconsistency. The judge was right to identify that this was a discrepancy and this had also been recorded in the refusal letter. The judge took into account the written submissions of the Appellant and his solicitors set out at paragraph 61. However after taking that into account, he weighed that in the balance but found that it had been an answer that was clearly recorded and there had been no cogent explanation as to why the evidence would have been incorrectly recorded in the screening interview. The judge found that the Appellant's attempt to amend that element of his evidence to be "wholly unconvincing".

55. It was submitted in the grounds and by Mr Halim that it was not evident from the responses at questions 4.1 and 4.2 whether he was referring to his first or his second arrest. As I have set out it is plain from the screening interview at 4.2 that the Appellant was referring to the second raid in 2010.

56. The decision in **YL (China)** is not authority for the proposition that evidence in a screening interview can never be taken into account or afforded weight in making an assessment of credibility or the consistency of an Appellant's account. The Tribunal gives guidance to judges concerning screening interviews and the general assessment of evidence contained in those documents at paragraph 19. It is noted that the purpose of the screening is

> "to establish the general nature of the claimant's case so that the Home Office can decide how best to process it. It is concerned with the country of origin, means of travel, circumstances of arrival in the United Kingdom, preferred language and other matters that might help the Secretary of State understand the case."

It is clear from paragraph 19 that

> "Asylum seekers are still expected to tell the truth and answers given in screening interviews can be compared fairly with answers given later. However, it has to be remembered that a screening interview is not done to establish in detail the reasons a person gives to support their claim for asylum. It would not normally be appropriate for the Secretary of State to ask supplementary questions or to entertain elaborate answers and an inaccurate summary by an interviewing officer at that stage would be excusable. Further the screening interview may well be conducted when the asylum seeker is tired after a long journey. These things have to be

considered when any inconsistencies between the screening interview and the later case are evaluated."

57. Thus judges are asked to consider and evaluate those matters as set out by the Tribunal. As Mr Tufan submits, the last matter does not apply. The Appellant completed the screening interview on 28th May 2012 having arrived in the UK either on 21st or 22nd March 2012 and thus it could not be said that the interview was conducted when he was tired after a long journey as there was a significant period of time where he had been in the United Kingdom before the interview even took place. The judge assessed the Appellant's evidence as set out in his determination and applied the guidance of the Tribunal at paragraph 19. I am satisfied that the judge weighed up those matters and having done so, was entitled to reach the conclusion that he did.

58. The second issue relates to the evidence concerning the passport he used to travel to the UK. Contrary to the assertions made in the grounds, the judge's findings on this issue are not confined to any discrepancy in the screening interview but from the evidence as a whole, including information produced by the Respondent in relation to the visa and checks carried out by the National Border Targeting Centre (NBTC) part of the intelligence, targeting and watch listing command within customs and National Operations Directorate which had conducted checks with the airlines the Appellant had used.

59. Those findings are set out at paragraphs 64 – 66 and also at paragraph 77. The judge said this:-

> "64. In paragraphs 62-63 of the RFRL, the Respondent addressed the issue of the passport used by the Appellant to travel to the United Kingdom. It is noted that the Appellant's evidence is to the effect that he travelled to the United Kingdom using a false Iranian passport, although that passport contained the Appellant's name and photograph, as also confirmed by the Appellant in his oral evidence before me (SIR 2.1). The Respondent noted that the Appellant obtained a valid visa to enter the United Kingdom, which application, the Respondent asserted, required a valid passport. The Respondent concluded that the Appellant had failed to substantiate why he needed to obtain the services of an agent, and to use a false passport, if he had his own genuine passport with a valid UK visa. Consequently, the Respondent did not accept that the Appellant used a false passport to enter the United Kingdom.
>
> 65. In re-examination before me, the Appellant said that his genuine Iranian passport was confiscated in 2010 when he returned from Dubai, this logically being a reference to the occasion when he returned and was detained. However, in his screening interview, the Appellant was asked whether he had ever had his own national passport and it is clearly recorded therein that the Appellant responded by saying: '*Yes but I lost it last week Thursday*.' (SIR 2.2). He then confirmed that he could not produce his own passport because he lost it (SIR 2.3).

66. However, subsequently, in his asylum interview the Appellant indicated that it was the false Iranian passport, which he had used to travel to the United Kingdom, which he had lost, he adding that he could not remember the exact date upon which the loss occurred but that it was '*on the bus*'. The Appellant replied that he lost his passport, money and Oyster card and that he reported it lost (AIR Q165-169). I have to question, first, the discrepancy between the Appellant's screening interview and asylum interview in respect of this particular passport and, second, why he would report as missing a forged passport. In all the circumstances, I conclude that the Appellant actually travelled to the United Kingdom using his own properly-issued Iranian national passport, which fact, I find, is damaging to the credibility of his entire account.

77. In the circumstances, I am satisfied that the Appellant left Iran entirely legally and that he has fabricated his account of leaving clandestinely with the assistance of an agent. I conclude that the Appellant is not, and never has been, of any adverse interest to the Iranian authorities and that he has fabricated his entire account of his political or quasi-political activities in an effort falsely to establish an asylum claim in the United Kingdom. In short, I reject the entirety of the Appellant's relevant or core account of events."

60. The Appellant gave an account concerning his journey in the screening interview at question 2.1. The questions are related to how he had entered or travelled to the United Kingdom including countries travelled through, documentation used and when he arrived. The answers given are as follows:-

> "I entered the UK by air using fake passport. I arrived in the UK on 22nd March 2012."

As to the countries he travelled through, it was noted "Dubai (three weeks), Egypt". As to the documentation used for the travel he said "I used a passport provided by an agent" and then gave the arrival date as 22nd March 2012 at Heathrow Airport.

61. Questions 2.2 onwards deal with documentation. He was asked "Have you ever had your own national passport?" Answer: "Yes but I lost it last week Thursday". At question 2.3 "Can you produce your own national passport today?" Answer: "No I lost it".

62. The account given by the Appellant in the screening interview is that he had travelled on a fake passport provided by an agent. At question 2.5 he was asked to give details of the document that he used to travel to the UK and the Appellant said "Used a passport provided by an agent". When asked why he had used an agent the reply was "Because in Iran they were after me and I did not have a passport". However that answer is not consistent with the earlier answer that he gave at paragraph 2.2 when asked if he had ever owned his own national passport. The Appellant had said that he did but that he had lost it last week (Thursday). However before the judge, the Appellant is recorded as saying that his genuine

Iranian passport was confiscated in 2010 when he returned from Dubai (referring to when he returned and was detained). This is clearly inconsistent with his screening interview when he said that he had had one but had lost it last Thursday. In the asylum interview, the Appellant indicated that it was the false passport that he had used to travel to the UK which he had lost (questions 165 to 169) but as the judge records, he had to question this discrepancy with care between the asylum screening interview and the asylum interview and particularly, why, the Appellant would report as missing a forged passport? The judge concluded that the Appellant had travelled using his own properly issued Iranian national passport which he found to damage the credibility of his entire account, because if he had travelled using his own national Iranian passport, the account that he had given of being of adverse interest to the Iranian authorities and for court documentation seeking his arrest were entirely false.

63. There was significant evidence before the judge which led ultimately to the conclusion that the Appellant had used his own properly issued passport which did not rely on any discrepancies in the screening interview. Whilst he had claimed to have entered the UK on a false passport, the Appellant's own evidence was that the passport had the Appellant's name and photograph in it (see oral evidence). The Respondent had provided evidence clearly set out at paragraph 73 of the refusal letter and referred to by the judge, that he had obtained a valid visit visa to enter the UK VAF/797508 which would have required a valid passport. The Respondent had recorded that the NBTC as part of its intelligence, targeting and watch listing command within customs conducted checks with the airline the Appellant had travelled on. It was found that he had left Cairo in Egypt on 21st March by Egyptair and had arrived at Heathrow using his own valid passport which he had used to apply for a visa. The judge finally noted at paragraph 66 that the Appellant travelled to the UK using his own Iranian national passport which damaged the entire credibility of his account. Thus at paragraph 77 the judge was satisfied that he had left entirely legally and had fabricated his account of leaving clandestinely with the assistance of an agent.

64. These findings were entirely open to the judge and were sustainable ones based on the evidence that was placed before him. I find no merit in Ground 3 for the reasons that I have set out. As noted by the judge the issue of the passport was a matter that went entirely to the heart of the claim. He did not rely on the screening interview discrepancy but relied upon matters contained in verifiable evidence.

65. I return back to the grounds relating to the documentary evidence. The judge then considered other documents produced at paragraphs 67 to 70. The first document in time is the document purporting to be the acceptance of collateral by the Appellant's father and uncle respectively dated February 2011. The judge sets out the contents of those documents at paragraph 68. He found the content of the documents to be consistent with that element of the Appellant's evidence. The judge then dealt with

the next document in time which is with the warning paper (pages 18 and 19) dated 12th October 2011. I have dealt with that document in detail when dealing with Ground 1 of the challenge to the First-tier Tribunal Judge's decision. He then considered at paragraph 70 the document purporting to be issued by the Justice Ministry at paragraph 70. It is clear that the judge did not find it reliable for the reasons given:-

> "The document does not explain why the Appellant should be required to attend a court hearing over 18 months after his 'disappearance', and in circumstances where his father had already been summoned to attend the Ministry of Justice in October 2011, because the Appellant had refused to attend there."

66. The judge also dealt with the document dated 4th March 2013 at paragraph 67. He considered the contents of this document when making an assessment of its reliability and hence the weight that he should attach to it. The document referred to a court hearing which took place on 28th February 2013 where the Appellant was allegedly found guilty of acting against national security and having connections with foreigners. The document proceeds by indicating the issuance of a verdict being postponed until another hearing scheduled for 30th May 2012. As the judge notes

> "Bearing in mind the document relates to a hearing which took place on 28 February 2013, I fail to see how it can properly refer to a further postponed hearing which took place in May 2012; that is, prior to the hearing in February 2013. I appreciate that the Appellant may assert that the reference to 30 May 2012 is a typographical error but, at the hearing before me no such contention was raised. Having considered the inconsistency in this document, and I having in any event considered this document as part of my consideration of the evidence before me as a whole and in the round, I find this document to be wholly unreliable which, in turn, is a factor, but not the only one, calling into question the reliability generally of the documents produced by the Appellant."

67. There are two observations to be made concerning that finding. Firstly, the grounds submit that the judge gave weight to what would appear to be no more than a translation error. However, as the judge noted at the hearing no contention was raised that this was a translation error or a typographical error. Nor was there any submission made at any time prior to the hearing by the Appellant's representatives that there was a translation error. It is not said on behalf of the Appellant nor has it been at any time that the document was wrongly translated and the inference raised from the judge's finding is that this was not a reliable document as because if, what purported to be a legal document emanating from a court, indeed the Ministry of Justice concerning a court hearing involving national security, that this was a document that was not even consistent in its own contents on the face of it.

68. The judge therefore gave adequate reasons for considering the documentation and what weight he placed on those documents.

69. The judge's findings then deal with Section 8 of the 2004 Act at paragraphs 71 to 73 and found that the Appellant failed to claim asylum at the airport despite his claim to have fled Iran in fear for his safety and that he waited two weeks before he made an appointment to claim asylum. At paragraph 73 the judge considers the Appellant's evidence in which he asserted he had called the Respondent's ASU the day after his arrival but the judge found that that did not explain why the Appellant had not claimed asylum at the airport on arrival. Furthermore the Appellant's evidence was inconsistent with what he had said in his statement at paragraph 31 and thus looking at the evidence as a whole he attached weight to the Appellant's delay in claiming asylum as a matter to damage his credibility.

70. I have considered the case overall and the submissions made that the judge failed to deal with the documentary evidence "in the round" in accordance with the guidance given to the Tribunal in **Tanveer Ahmed**. I reject that submission. I have set out earlier in this decision how the judge dealt with the documentary evidence throughout his assessment of the evidence. It is plain from paragraph 36 that the judge directed himself in accordance with that decision where he noted "I would confirm at this stage that I have considered all documents submitted in accordance with **Tanveer Ahmed** principles, by considering them as part of my consideration of the evidence before me as a whole and in the round."

When considering the documents and the reliability of them and thus the weight to be attached to them, the judge recorded at paragraph 67 (in relation to the document dated 4th March 2012)

> "Having considered the inconsistency in this document, and I having in any event considered this document as part of my consideration of the evidence before me as a whole and in the round, I find this document to be wholly unreliable which, in turn, is a factor, but not the only one, calling into question the reliability generally of the documents produced by the Appellant."

71. Whilst it is submitted in the grounds that the judge found some of the documents to be consistent with the claim, and that the judge failed to attach weight to them that is a misreading of the determination as a whole. The judge records at paragraphs 68 and 69 that the document of 25th February are broadly consistent with the Appellant's account as was the warning paper in October but the judge then considered further the content of the documents themselves when reaching a view as to their reliability and gave reasons for that at paragraph 70 and why he found it to be an unreliable document given the length of time between the summons and the eighteen months later that the Appellant was told that he should attend court. There were also other reasons given in the determination concerning the documentation which I have already referred to. The judge thus considered the evidence as a whole that called into question the reliability generally of all the documents produced (see paragraph 67).

72. It is plain from the determination that the judge did consider the documents "in the round" and in accordance with the evidence as a whole. The judge after having done so said this at paragraphs 74 and 75:-

> "74. I confirm that I have considered the credibility of the Appellant's account in the context of relevant country material which is before me, and in the context of relevant Country Guidance caselaw, and I accept that the Appellant's account of events is broadly consistent therewith, as are various of the documents upon which he seeks to rely. I would add that much of the Appellant's account is also internally consistent, save for the inconsistencies highlighted by me above which, I find, are very significant. Clearly, broad consistency with the country situation, whilst a factor of relevance in assessing credibility, is not the only factor and is not necessarily of itself determinative.
>
> 75. Having taken into account the totality of the evidence which is before me, I conclude, even applying the lower standard of proof, that the Appellant is, in fact, an individual whose core account is a completely fabricated one and that he is not a witness of credibility. I arrive at this conclusion, having considered all of the evidence before me, to salient aspects of which I have referred above. "

73. The judge therefore draws together all of the preceding credibility matters, not only concerning the documents produced, but to the other inconsistencies (relating to his arrest, circumstances of his arrest, issue of the passport, the failure to claim asylum, inconsistencies concerning the Sonat Bavaran Facebook evidence). Having done so this led to the conclusions at paragraphs 76 and 77:-

> "76. Consequently, and specifically, I find as a fact that the Appellant was never a member of Sonat Bavaran. I conclude that the Appellant was never arrested and detained in 2006, that he was not arrested in 2010, or at all. I conclude that the Appellant's house was not raided at any stage by the authorities and I find as a fact that the Appellant never went into hiding. I reiterate that I conclude that the Appellant actually travelled to the United Kingdom using his own properly issued Iranian passport. I find as a fact that no court proceedings have ever been instigated against the Appellant, or against any member of his family, and I find the various documents relied upon by the Appellant, in relation thereto, to be thoroughly unreliable.
>
> 77. In the circumstances, I am satisfied that the Appellant left Iran entirely legally and that he has fabricated his account of leaving clandestinely with the assistance of an agent. I conclude that the Appellant is not, and never has been, of any adverse interest to the Iranian authorities and that he has fabricated his entire account of his political or quasi-political activities in an effort falsely to establish an asylum claim in the United Kingdom. In short, I reject the entirety of the Appellant's relevant or core account of events."

74. The judge carried out a comprehensive and careful assessment of the evidence concerning the Appellant's account. A number of adverse credibility findings were made concerning the Appellant's account as

outlined above, all of which I find were open to the judge to make. There is no merit in the ground that the judge misunderstood any evidence or failed to take into account any evidence. This was a carefully reasoned and balanced determination and the reasons given for the decision were entirely sustainable ones and open to him on the evidence. Thus there is no error of law disclosed in this decision.

Decision

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

The First-tier Tribunal made an order pursuant to rule 45(4)(i) of the Asylum and Immigration Tribunal (Procedure) Rules 2005.

I continue that order (pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008).

Signed Date 11/7/2013

Upper Tribunal Judge Reeds