



**Upper Tribunal
(Immigration and Asylum Chamber)**
AA/08425/2014

Appeal Number:

THE IMMIGRATION ACTS

**Heard at North Shields
Promulgated
On 30 April 2015
Prepared on 1 May 2015**

**Determination
On 11 May 2015**

Before

DEPUTY UPPER TRIBUNAL JUDGE JM HOLMES

Between

**S R
(ANONYMITY DIRECTION)**

Appellant

And

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms Chawdhery, Counsel instructed by Parker
Rhodes Hickmotts Solicitors
For the Respondent: Mr Mangion, Home Office Presenting Officer

DECISION AND REASONS

1. The Appellant is a citizen of Iran who said that she had entered the United Kingdom illegally the same day that she claimed asylum on 28 May 2014. That application was refused on 7 October 2014, and in consequence a removal decision was made in relation to her.

2. The Appellant appealed to the Tribunal against those immigration decisions and her appeal was heard on 28 November 2014, and dismissed by decision of Judge Batiste, promulgated on 8 December 2014.
3. The Appellant's application to the First Tier Tribunal for permission to appeal, as drafted, raised two complaints; (i) that the Judge had failed to take evidence into account that would have had a material impact upon his assessment of the Appellant's credibility, and, (ii) that the Judge had given inadequate consideration to the issue of whether the Appellant could reasonably be expected to relocate within Iran to avoid any risk of harm she faced in her home area.
4. That application was granted by Judge Scott-Baker on 12 January 2015 on the second ground only, and permission was refused on the first ground.
5. The Respondent filed a Rule 24 Notice of 10 February 2015 in which she asserted that the issue of internal relocation was fully and properly considered by the Judge.
6. The Appellant formally applied for permission to rely upon further evidence pursuant to Rule 15(2A) of the Upper Tribunal Procedure Rules 2008 relating to the report of a psychologist upon her mental health, and evidence concerning her recent conversion to Christianity and baptism on 7 December 2014.
7. Thus the matter comes before me.

Ground 1

8. Ms Chawdhery did not seek to advance the complaint set out in ground 1, which she had not drafted. She was in my judgement entirely correct not to do so, because at best it amounts to no more than a disagreement with the Judge's conclusions. I need say no more about it.

Ground 2

9. As drafted, ground 2 is a complaint that the Judge failed to take adequate account of the content of a report dated 17/9/2014 submitted to the UN, entitled "Women living under Muslim laws." In particular paragraphs 2.2 and 2.3 concerning provisions in Iran's Civil Code which relate (a) to the ability of a husband to prevent his wife from working in a trade or profession deemed by him to be incompatible with the interests of the family or with his own dignity, or that of his wife, and, (b) to the ability of a husband to determine the place of a wife's residence, so that she would be unworthy of maintenance rights in the event of disobedience.
10. These complaints amount in my judgement to a misreading of this report. The report does not suggest that under Iranian law an employer, or a landlord is required to demand written proof of the consent of a husband before taking on a married woman as an employee, or leasing a domestic property to

them to live in. Thus, even if the Appellant would be perceived to be a married woman in the event of return to Iran by a prospective employer or landlord, she would not be required to contact her husband and obtain such a consent before she could work to support herself, or lease a property in which to live. In those circumstances, since she did not propose to contact her husband and demand maintenance from him, or a divorce, the evidence before the Judge did not support any contention that her husband (a plumber) would know that she had returned to Iran, let alone where she would be living. He would have no opportunity to prevent her taking employment or leasing a home, and the bald assertion to the contrary is simply misconceived.

11. The Judge accepted that the Appellant was at risk of harm from her ex-husband in her home area, and quite properly went on to consider the Appellant's ability to relocate within Iran as a result. He did so at some length within paragraphs 39-42 of his decision, considering the medical evidence as it then was concerning the Appellant's low mood following her separation from her children (Dr Lord's report and Dr Jones' report). He was not provided with the report of Dr Narimani of 10 April 2015 because it had not then been written, but even if he had been able to consider it, I am satisfied that it would have made no difference to his decision. Dr Narimani speaks of the Appellant's recovery being affected by the appeal process, but there is nothing in that report that would permit a finding that it was unreasonable to expect the Appellant to relocate within Iran.
12. The Judge had accepted the Appellant's own account that she was assisted in her desire to leave Iran by her brothers. He was entitled to the inference that they were not ill disposed towards her, and that practical help from them would be forthcoming in the event of her return to Iran. Ms Chawdhery's argument to the contrary was no more than a disagreement with a finding that was well open to him on the evidence.
13. The Judge made no reference to the Appellant's conversion to Christianity in the course of his decision. Ms Chawdhery accepted that he made no error of law in so doing, because he was never told of it.
14. I note however the evidence that is now offered under a Rule 15 Notice which purports to suggest that the Appellant was baptised three days after the decision of Judge Batiste was promulgated, and, that she had been attending the Stockton Baptist Tabernacle since being housed in Stockton on Tees by NASS. It is difficult to see how she could have failed to be aware of that forthcoming ceremony at the hearing of her appeal, and she had of course moved to Stockton on Tees no later than 12 September 2014 when she was interviewed in connection with her asylum claim [B3].

As Ms Chawdhery accepted, the Appellant has, as yet, offered no explanation as to why she failed to disclose to Judge Batiste her claim to have become a convert to Christianity. It is not for me in the course of these proceedings, and without hearing evidence, to determine whether that claim is genuine or not, but it is plain that in the context of this chronology the Appellant will have something of a struggle to convince anyone that this is the case.

Conclusions

15. Not only is there nothing wrong with the Judge's reasoning on the issue of internal relocation, but it is perfectly clearly set out in the decision; MK (Duty to give reasons) Pakistan [2013] UKUT 641.

DECISION

The Determination of the First Tier Tribunal which was promulgated on 8 December 2014 contains no error of law in the decision to dismiss the Appellant's appeal which requires that decision to be set aside and remade, and it is accordingly confirmed.

Signed

Deputy Upper Tribunal Judge JM Holmes
Dated 1 May 2015

Direction regarding anonymity - Rule 14 Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until the Tribunal directs otherwise the Appellant is granted anonymity throughout these proceedings. No report of these proceedings shall directly or indirectly identify her. This direction applies both to the Appellant and to the Respondent. Failure to comply with this direction could lead to proceedings being brought for contempt of court.

Signed

Deputy Upper Tribunal Judge JM Holmes
Dated 1 May 2015