



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: PA/05115/2016

THE IMMIGRATION ACTS

Heard at Glasgow
on 8 May 2017

Determination issued
on 10 May 2017

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

DARAWAN HAMDAMIN

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

For the Appellant: Mr S Martin, of Jain, Neil & Ruddy, Solicitors
For the Respondent: Mr M Matthews, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. The appellant appeals against a determination by First-tier Tribunal Judge David C Clapham SSC, promulgated on 10 January 2017.
2. I find that the grounds of appeal to the UT, supplemented in oral submissions, do not establish that the making of the decision of the FtT involved the making of any error on a point of law.
3. Ground 1 says that the judge gave inadequate reasons at ¶35-37 for rejecting the appellant's evidence that his girlfriend, Lewan, became tired and changed in

appearance after loss of her virginity (thereby alerting the girlfriend's family to the nature of their relationship), and it should have been within judicial knowledge that pregnancy would bring about such changes.

4. Mr Martin said there had been no evidence of a pregnancy but the evidence should have suggested to the judge that such might be the case.
5. Mr Matthews pointed out that according to the appellant he had one sexual encounter with his girlfriend, on 24 or 26 October 2016; threats against him from her family began on 10 October; he was last threatened on either 15 or 28 October; and he fled Iraq by 30 October.
6. If the judge should have taken any account of the possibility of pregnancy and its becoming evident, there was at most one week for the change of characteristics to emerge.
7. Once reference is made to the evidence, the ground loses any force. The judge needed to say no more than he did about rejecting this aspect of the evidence.
8. Ground 2 says that the judge erred at ¶37 by giving inadequate reasons for rejecting the appellant's evidence about the first threat made against him, namely that he did not recognise it as such.
9. Mr Matthews demonstrated by reference to the evidence recorded at ¶18 of the decision and at Q/A 105 of the asylum interview that there was an inconsistency; that it was put to the appellant; and that he tried to row back from parts of his evidence.
10. The judge was entitled to resolve this matter as he did.
11. Ground 3 says that at ¶37 the judge applied too high a standard of proof when declining to accept that Lewan's father is a powerful man, and that having a bodyguard showed he had significant position within the KDP.
12. The judge resolved this factual matter also for sensible reasons. This ground is only disagreement dressed up as error under a legal heading, when there is nothing in the decision to bear out any misconception of the standard of proof.
13. Ground 4 says that the judge speculated by taking it against the appellant that he prioritised his own safety over his girlfriend.
14. This ground misrepresents the judge's main point here, which was not that the appellant would not have abandoned his girlfriend, but that absence of interest in her subsequent welfare belied his claims. That is far from speculative.
15. Ground 5 insists that so strong is the power of Lewan's father that the claim could not be defeated by sufficiency of protection or by internal relocation.
16. In absence of any favourable credibility findings, these issues are incidental.

17. The claim, on any sensible view, fell far short of showing risk throughout Iraq.
18. Separately and together, the grounds are no more than insistence and disagreement on the facts.
19. The determination of the First-tier Tribunal shall stand.
20. No anonymity direction has been requested or made.

A handwritten signature in black ink, reading "Hugh Macleman". The signature is written in a cursive style with a large, stylized initial 'H'.

9 May 2017
Upper Tribunal Judge Macleman