



**Upper Tribunal
(Immigration and Asylum Chamber)
PA/05467/2016**

Appeal Number:

THE IMMIGRATION ACTS

Heard at Manchester

Decision & Reasons

On 6 June 2017

Promulgated

On 28 June 2017

Before

UPPER TRIBUNAL JUDGE CLIVE LANE

Between

FARHAD VATANI
(ANONYMITY DIRECTION NOT MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Wood, instructed by Rochdale Law Centre

For the Respondent: Mr McVeety, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant, Farhad Vatani, was born on 22 March 1966 and is a citizen of Iran. He appealed to the First-tier Tribunal (Judge Bannerman) against a decision by the respondent to refuse him asylum which is dated 19 May 2016. The First-tier Tribunal, in a decision promulgated on 17 November 2016, dismissed the appeal. The appellant now appeals, with permission, to the Upper Tribunal.

2. There are four grounds of appeal. First, the appellant asserts that the judge made a material misdirection in law by failing to assess the appellant's credibility against the background of the country material. The appellant claims that he had accurately described the uniform of the Basij that he had correctly noted that the Green Movement was still active in 2011. The appellant complains that the judge had not referred to parts of the evidence which might support the appellant's credibility in his analysis and also that he had only made "very brief mention of the US State Department Report."
3. I find that the ground has no merit. The judge was not required to refer to each and every part of the background material and to each and every item of evidence which an appellant may adduce. Significantly, the grounds fail to indicate any particular instance where the judge may have made an unsound finding of fact by reason of having ignored the background material or evidence. I have no reason to doubt that the judge has considered all relevant evidence and the background material in reaching his decision. It is also completely unclear as to why a "very brief mention" of a US State Department Report should vitiate the judge's analysis.
4. Secondly, the appellant asserts that the judge has failed to give proper and adequate reasons for rejecting the credibility of his account. I find that that ground of appeal has not merit also. The judge's assessment of credibility is set out in his decision at [75-87]. The appellant complains that the judge had given no reason for finding it "bizarre ... that the [Iranian] authorities would re-arrest [the appellant] 25 days after releasing him from prison ..." The appellant asserts that this is to "state a conclusion rather than provide any meaningful reasoning for that conclusion." I disagree. The judge found a sequence of events described by the appellant in his account to be bizarre and it is clear from the context that the judge did not believe that the Iranian authorities would arrest and then release the appellant and that they should seize computer equipment which the appellant claimed would show that he had breached an undertaking given to the authorities only a few days earlier. From any reading of the background material, the judge would have been well aware of the sophisticated and ruthless nature of the Iranian security forces and I find he was entitled to express disbelief at an account which would appear to be completely at odds with what is known as to the activities of such forces.
5. Thirdly, the appellant states that he produced three documents (two court summons documents and a court sentence) in support of his claim that he had been arrested, detained and punished for anti-government political activities. The appellant complains that [81] the judge only refers in any detail to the sentence document. I reject that submission. The judge was well aware of the other two documents since he refers to them at [50]. Again, I find that there was no need for the judge to provide a detailed analysis of each and every item of documentary evidence. The grounds do not seek to explain how the contents of the arrest warrants, had they

been discussed in any detail by the judge, would have led him to take a different view of the appellant's credibility. I am satisfied that the judge was aware of the arrest warrants and has considered them together with all the other evidence before making any findings of fact.

6. Fourthly, the appellant asserts that the judge states at [81] and by reference to the sentence document, that the appellant had made no mention in his interviews or elsewhere in his evidence that he had received 70 lashes in addition to twenty months' imprisonment. In fact, in answer to question 185 of his asylum interview, the appellant had referred to a sentence "... *twenty months' imprisonment and 70 lashes.*" Mr McVeety, for the respondent, acknowledged that the judge had made an error but submitted that it was not material to the outcome of the appeal. I agree. The remark at [81] to which I have referred follows a finding by the judge that the appellant had neither been a demonstrator for the Green Movement nor had he been imprisoned. The judge then refers to the absence of any reference to the 70 lashes elsewhere in the evidence in parenthesis; having read the decision as a whole, I am not satisfied that this is the only reason for the judge finding that the appellant had not been imprisoned as he claimed. Indeed, in the preceding paragraphs the judge has given several reasons for rejecting the credibility of the appellant's entire account. Moreover, much of the judge's decision is given over to a consideration of the appellant's evidence which he says supported his claim that he had converted to Christianity. That was a claim also rejected by the judge (who describes it as a desperate attempt to bolster a weak asylum claim) and I note the grounds of appeal do not challenge the judge's complete rejection of the appellant's claim to have converted. The judge has given adequate reasons for rejecting the credibility of this appellant and, although the judge has erred as regards the punishment the appellant claims to have received, I do not accept that, had the judge been aware that the appellant had referred to the punishment in his asylum interview, that his overall assessment of credibility would have been different at all. I accept that there are cases where a factual error in the judge's assessment may vitiate the overall credibility analysis but I emphasise that I find that this is not such a case.

Notice of Decision

The appeal is dismissed.

No anonymity direction is made.

Signed

Date 23 June 2017

Upper Tribunal Judge Clive Lane

TO THE RESPONDENT

FEE AWARD

I have dismissed the appeal and therefore there can be no fee award.

Signed

Date 23 June 2017

Upper Tribunal Judge Clive Lane