



**Upper Tribunal
(Immigration and Asylum Chamber)
PA/11581/2016**

Appeal Number:

THE IMMIGRATION ACTS

**Heard at City Centre Tower Decision & Reasons
Birmingham Promulgated
On 2nd October 2017 On 16th October 2017**

Before

DEPUTY UPPER TRIBUNAL JUDGE RENTON

Between

**ADNAN TARIQ ADNAN
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Unrepresented

For the Respondent: Mrs H Aboni, Home Office Presenting Officer

DECISION AND REASONS

Introduction

1. The Appellant is a male citizen of Iraq born on 1st June 1988. He first arrived in the UK on 23rd March 2016 when he applied for asylum. That application was refused for the reasons given in the Respondent's Asylum Decision dated 20th December 2016. The Appellant appealed, and his appeal was heard by First-tier Tribunal Judge Heatherington (the Judge) sitting at Birmingham on 30th November 2016. He decided to dismiss the appeal on asylum and humanitarian protection grounds for the reasons

given in his Decision dated 5th December 2016. The Appellant sought leave to appeal that decision and although there were no grounds in support of his application, such permission was granted on 17th August 2017.

Error of Law

2. I must first decide if the decision of the Judge contained an error on a point of law so that it should be set aside.
3. The Appellant applied for asylum on the basis that his father had been a member of the Ba'ath Party who had been involved in the killing of Kurdish protestors. The Appellant said that he was from Daquk and would be at risk on return to places such as Kirkuk in the IKR.
4. The Judge dismissed the appeal because he was not satisfied that the Appellant had given a truthful account. The Judge found the evidence of the Appellant to be implausible and inconsistent. The Judge gave examples of the discrepancies. The Judge also decided not to attach any weight to the documents produced by the Appellant as they were not translated.
5. The Appellant appeared unrepresented at the hearing before me but indicated that he did not seek an adjournment and wanted the hearing to proceed. His Ground of Appeal amounted to only a translated letter purporting to be from the Tawheed and Jihad Saraya Revenge Fighters informing the Appellant that he had been sentenced to death on his return. The Judge granting leave to appeal did so on the basis of an arguable error of law in that there had been a procedural fairness as the Judge had not allowed the documents produced by the Appellant to be translated through oral evidence from the court interpreter. Further, the Judge had not made a finding as to where in Iraq the Appellant might be returned and whether there would be a risk to him there. Unsurprisingly, the Appellant did not deal with these issues when addressing me. He said that the document constituting the grounds of application had been sent to him recently by his father in an email. He added that he was from Daquk and would be killed if he returned to the IKR.
6. In response, Mrs Aboni referred to the Rule 24 response and submitted there was no error of law in the decision of the Judge. There was no unfairness to the Appellant in the Judge's approach to the evidence including the documentary evidence. There was no application to the Judge to adjourn, and in any event there was no point in such an adjournment as representation was not available to the Appellant and the Judge could not take into account documents which were not translated. As the Judge stated in paragraph 9.4 of the Decision, he considered the documents produced to him in accordance with the decision in **Tanveer Ahmed [2002] UKIAT 00439**. The Judge came to a conclusion open to him concerning the credibility of the Appellant and gave sufficient reasons for that conclusion.

7. I find no error of law in the decision of the Judge. The Appellant himself gave no grounds as such for his application and I am not required to deal with a piece of evidence in the form of a document received by the Appellant from his father after the hearing of his appeal. There was no error of law in the way the Judge dealt with the documents before him which were untranslated. There is no obligation upon a Judge to consider documents not translated. The Appellant has been unrepresented throughout these proceedings, but it cannot be said that the Judge's decision to proceed with the hearing was in contradiction of the overriding objective given in Rule 2 of the Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014. The Appellant had ample opportunity prior to the hearing to obtain some sort of translation of the documents.
8. There was no need for the Judge to make a finding as to the origins of the Appellant. The burden is upon the Appellant to establish his case, and if he says he comes from a particular destination, and the Judge does not believe him, that is the end of the matter. There is no legal requirement upon the Judge to consider any other destination.
9. For these reasons I find no error of law in the decision of the Judge which I therefore do not set aside.

Notice of Decision

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

I do not set aside that decision.

The appeal to the Upper Tribunal is dismissed.

Anonymity

The First-tier Tribunal did not make an order for anonymity. I was not asked to do so, and indeed find no reason to do so.

Signed

Date: 13th October 2017

Deputy Upper Tribunal Judge Renton