



**Upper Tribunal
(Immigration and Asylum Chamber)**

Appeal Number: PA/08426/2016

THE IMMIGRATION ACTS

**Heard at Field House
On 6 December 2017**

**Decision & Reasons Promulgated
On 5 January 2018**

Before

UPPER TRIBUNAL JUDGE LANE

Between

**ALAN KHALIDI MAHMOODI
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Palmer, instructed by Barnes Harrild & Dyer, Solicitors
For the Respondent: Miss Fijiwala, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant, Alan Khalidi Mahmoodi, claims to be a citizen of Iran and that his date of birth is 1 March 1998. The respondent, however, considers that the appellant is a citizen of Iraq whose date of birth is 1 March 1991. The appellant had applied for asylum in the United Kingdom but his application was refused by a decision of the respondent dated 27 July 2016. The appellant appealed to the First-tier Tribunal (Judge L K

Gibbs) which, in a decision promulgated on 2 May 2017, dismissed the appeal. The appellant now appeals, with permission, to the Upper Tribunal.

2. For the Upper Tribunal, Mr Palmer, appeared for the appellant, and acknowledged that the grounds of appeal are somewhat unfocused. He submitted that there are, in essence, three grounds. First, the judge made no proper finding in respect of the appellant's claimed age; secondly, in particular at [24], the judge had not given sufficient reasons for finding the appellant's account not credible; thirdly, there was no proper finding to support the judge's conclusion that the appellant is a citizen of Iraq, rather than Iran. Miss Fijiwala, who appeared for the respondent, submitted that the grounds of appeal amounted to no more than a disagreement with findings which were open to the judge and which the judge had supported with cogent and clear reasoning.
3. I agree with Miss Fijiwala. I find that the judge has reached findings of fact which were available to him on the evidence and that he has supported those findings with clear reasons. At [18], the judge wrote, "I am not satisfied the appellant is a credible witness and consequently I am not persuaded that the date of birth provided by him of 1 March 1999 is reliable." Thereafter, the judge proceeds to give his reasons for finding that the appellant is not a reliable witness. Before he does so, he is careful [19] to emphasise that, even if the appellant is (as he claims) a minor then the judge would still have found that his youth was inadequate to explain and excuse the inconsistencies in his evidence. The judge describes the appellant's chronology of past events as "incoherent" [20]. He notes that the appellant claims to have left Iran on 25 December 2015. However, he subsequently told the Secretary of State's officers that he had obtained a passport less than two months before he left and that he had obtained the passport in Iraq where he had remained living for two years. The judge considered that this would mean that the appellant left Iran by his own account in or around May 2014. In his oral evidence, the appellant had "become confused citing 25 December 2015 as the date when he left Iraq and Iran." Mr Palmer submitted that the appellant had perhaps been guilty of one inconsistency and that such a minor error could not amount to an "incoherent chronology." I disagree. The appellant has given a date on which he claims to have left Iran that date simply cannot be reconciled, even remotely, with the date which he claims to have left the country by reference to his other evidence. The description of the chronology as "incoherent" is, in my opinion, apt.
4. The judge went on [21] to reject the appellant's explanation for the inconsistencies in his account. The appellant complained that he had not been "asked" about the details of his journey from Iran to the United Kingdom. I agree with the judge that the appellant was obliged to provide evidence in support of his claim and with a view to proving it to the appropriate standard. The judge was also right to recall that the appellant had previously told the French authorities that he was a citizen of Iraq, not Iran.

5. At [24], the judge found that it was not plausible that the appellant would have not himself been involved as a member or supporter of the KDPI and yet would encourage other people to support the organisation. I consider that to be an appropriate finding to make on the evidence.
6. At [25], the judge concludes that the appellant is not a citizen of Iran but is a citizen of Iraq. He concluded that the appellant's removal to Iraq would not breach the United Kingdom's obligations under the Refugee Convention. That again was a finding open to the judge. The appellant has never claimed that he would be at any risk in Iraq. In that circumstance, there was no need for the judge to search for possible reasons why the appellant might be at risk in Iraq when the appellant himself had never suggested that he would be at risk. Quite properly, the judge has drawn attention to the fact that the appellant had, by his own account, lived in Iraq "without incident."
7. I agree with Miss Fijiwala that the grounds of appeal to the Upper Tribunal amount to nothing more than a series of disagreements with findings which were available to the judge on the evidence. In the circumstances, the appeal is dismissed.

Notice of Decision

8. This appeal is dismissed.
9. No anonymity direction is made.

Signed

Date 3 January 2018

Upper Tribunal Judge Lane

TO THE RESPONDENT
FEE AWARD

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

Signed

Date 3 January 2018

Upper Tribunal Judge Lane