



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

Appeal Number: LP/00003/2021
[PA/50168/2020]

THE IMMIGRATION ACTS

**Heard at Bradford
On 21 January 2021**

**Decision & Reasons Promulgated
On 2 February 2022**

Before

UPPER TRIBUNAL JUDGE LANE

Between

**HH
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Holmes

For the Respondent: Mr Diwnycz, Senior Presenting Officer

DECISION AND REASONS

1. The appellant is a citizen of Iran who was born on 6 January 1995. He appealed to the First-tier Tribunal against a decision of the Secretary of State dated 10 March 2020 refusing his claim for international protection. The First-tier Tribunal, in a decision dated 24 May 2021, dismissed his appeal. The appellant now appeals, with permission, to the Upper Tribunal.
2. There are two grounds of appeal. First, the appellant claims that the First-tier Tribunal failed to give adequate reasons for dismissing his appeal. He asserts that the 'overwhelming majority of the points taken [against the

appellant] by the respondent' in the refusal letter were rejected by the judge. By contrast, the judge cited 'only two further points' against the appellant, namely (i) 'a discrepancy in the description of the men that the appellant encountered' on the mountains in the border region of Iran and (ii) a discrepancy in the 'number of times the authorities had searched for the appellant at his home' in Iran.

3. The ground is without merit. In essence, the appellant is saying that the 'overwhelming majority' of credibility points which the judge found in his favour should outweigh a handful of discrepancies. Such an approach is wholly alien to the fact-finding task which the judge was required to carry out. The judge was not required to count points against and in favour of the appellant and respondent and declare the party with more points the winner. Rather, and quite properly, having discussed particular items of evidence, the judge [45] 'stood back and considered the overall evidential picture in this appeal.' Weighing heavily in that analysis was the appellant's unexplained failure to give consistent evidence about the men whom he claimed to have encountered. At [42], the judge recorded that the appellant had, at different times in the course of his claim and appeal, said that the men were not Iranian but also that they were recognisably members of the Peshmerga. This discrepancy 'left [the judge] profoundly troubled that [he] was simply not being told the truth about a critical aspect of the case.' This may have one of only a few discrepancies identified by the judge, but his use of language ('*profoundly troubled*') makes it clear that it should be given significant weight in the assessment of credibility. The same is true of the other discrepancy concerning visits to the appellant's home. The judge [43] states that this is 'not a peripheral matter' but one touching directly on the question of real risk on return. Again, the judge found the various accounts given by the appellant to be 'entirely different' and even 'incoherent'. The judge considered that the appellant was an individual 'struggling to maintain coherence of an invented narrative.' Given the language used by the judge, it is absolutely clear that, notwithstanding that the judge did not agree with certain points relied on by the respondent in the refusal letter, he found that the appellant had advanced an account of past events which was untrue. It was manifestly open to the judge to conclude that the appellant was not a witness of truth.
4. Secondly, as regards the judge's rejection of the appellant's claim to have genuinely converted to Christianity, the appellant asserts that the judge had been wrong in law to find that 'there was no reason to think that the authorities in Iran would become aware of the appellant's false claims to be a Christian in the United Kingdom' [45]. The appellant claims that the judge ignored relevant country guidance and 'failed to factor the appellant's professed Christian conversion into his risk assessment.'
5. This ground is also without merit. The appellant cannot be expected to lie in order to avoid persecution. If asked about his reasons for claiming asylum in the United Kingdom, he would no doubt truthfully say that he sought asylum for reasons other than political opposition to the Iranian

state or conversion to Christianity as neither of those reasons pertained. If he were to be asked about Christian conversion, he would, again truthfully, tell his interrogators that he was not and never had been a Christian. Notwithstanding references in the country guidance to the 'hair trigger' attitude of the Iranian authorities, there is no reason to consider that those authorities would seek to harm an appellant who would present as nothing more than a failed asylum seeker who offered no threat whatever. There is no support in the country guidance for the proposition that Kurds who claim falsely that they are Christians face a real risk on return to Iran.

6. I find that the judge has produced a thorough and even-handed analysis which is not flawed by legal error either for the reasons advanced in the grounds of appeal or at all. Accordingly, the appeal is dismissed.

Notice of Decision

This appeal is dismissed.

Signed

Date 21 January 2022

Upper Tribunal Judge Lane

Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until a Tribunal or court directs otherwise, the appellants are granted anonymity. No report of these proceedings shall directly or indirectly identify them or any member of their family. This direction applies both to the appellants and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.