



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

Appeal Number: AA/09583/2015

THE IMMIGRATION ACTS

**Heard at Field House London
On 22 August 2017**

**Decision Promulgated
On 6 September 2017**

Before

DEPUTY UPPER TRIBUNAL JUDGE MCCARTHY

Between

**EY
(ANONYMITY ORDER MADE)**

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms A Nazami, instructed by Davjunnel Solicitors

For the Respondent: Mr P Singh, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant appeals with permission against the decision and reasons statement of FtT Judge Landes that was issued on 14 February 2017. Judge Landes decided the appellant is not a refugee from Iran or otherwise in need of international protection.
2. Judge Landes imposed an anonymity direction. Given the age of the appellant and the issues in this appeal, it is appropriate to continue anonymity and I make the appropriate order at the end of this decision.

3. At the start of the hearing, Ms Nazami confirmed the appellant was not pursuing any issue relating to his private and family life rights (article 8 ECHR) and there is no need for me to consider any matter relating to those issues.
4. Ms Nazami relied on the grounds of application as her grounds of appeal. In essence, she argues that Judge Landes erred by failing to give appropriate weight to the background country information that indicates how family members of journalists have been targeted by the Iranian authorities. This factor was highly relevant because Judge Landes accepted the appellant's father had been a journalist and that he had been targeted by the Iranian authorities.
5. I mentioned that the background evidence had become detached from the appeal file. Ms Nazami provided copies. It was clear that Judge Landes addressed the specific references in the background evidence at paragraph 42. The question was whether Judge Landes had confused herself by saying at paragraph 44 that she had no, "background material which indicates that the authorities would transfer their interest to the appellant just because they have been unable to arrest his father."
6. Ms Nazami explained that Judge Landes's failure meant she had not adhered to the country guideline decision, *SSH and HR (Illegal exit: failed asylum seeker) Iran CG* [2016] UKUT 308 because she had not assessed whether the appellant's relationship to his father was an additional factor that meant he would come to the adverse attention of the Iranian authorities on return.
7. In addition to these points, Ms Nazami also argued that Judge Landes failed to consider whether the appellant's father had been coerced into giving an undertaking to the Iranian authorities so that he could obtain his release. If that were the case, then it was plausible the appellant's father continued his activities after his release, which would have brought him to the adverse attention of the immigration authorities. This factor was material to the question of whether the appellant had given a truthful account about what happened when he went to his grandmother's house shortly before leaving Iran.
8. Mr Singh adopted the rule 24 notice, which opposed the appeal. He submitted that when read as a whole, the comment in paragraph 44 was drawn from the findings at paragraphs 42 and 43. Judge Landes assessed the background country information and found it did not provide sufficient evidence to show that the appellant's account was reasonably likely. Mr Singh reminded me that the country information had a range of criteria to consider and the risk of interest being transferred to the appellant from his father was not simply to be based on their relationship. Judge Landes looked at all the relevant factors.
9. Mr Singh reminded me that Judge Landes had found the appellant's account to lack truthfulness because even when taking into account his young age, the appellant had failed to provide sound evidence. Although the key negative credibility finding, that Judge Landes did not believe the appellant about the circumstances leading to his departure from Iran, are

not central to the claim, which relates to his father being a journalist, the negative finding prevented Judge Landes giving the appellant the benefit of the doubt. Mr Singh suggested the grounds of appeal are mere disagreement with the findings made.

10. I reserved my decision and reasons, which I now give.
11. Having carefully examined the decision and reasons statement of Judge Landes, and having considered the competing submissions, I am satisfied there is no legal error.
12. It is evident from paragraph 42 that Judge Landes had proper regard to the background country information. Her analysis is thorough. She recognised that the evidence was insufficient to raise the risk facing the appellant from a mere possibility level to a reasonable likelihood level. In other words, the background country evidence does not support the appellant's claim that he would be at risk merely for being the son of a journalist who has been arrested in the past.
13. In addition, it was open to Judge Landes to reject the appellant's account of the events leading to his departure from Iran as not credible. In reaching this finding she applied all relevant criteria and I note the finding itself is unchallenged. Although not central to the claim, the fact Judge Landes rejected this part of the appellant's claim means she did not accept the appellant's father faced any further problems with the Iranian authorities. That finding meant that any risk facing the appellant was greatly reduced.
14. Judge Landes took these findings and found the appellant did not benefit from any of the findings in *SSHD and HR*. That is a reasonable conclusion to draw, given the findings she made and which I find are unassailable. There is nothing, therefore, in the allegation she misapplied the Upper Tribunal's country guidance.
15. It follows that I uphold Judge Landes's decision.

Decision

I dismiss the appeal to the Upper Tribunal.

There is no legal error in the decision and reasons statement of Judge Landes and her decision stands.

Order regarding anonymity

I make the following order. I prohibit the parties or any other person from disclosing or publishing any matter likely to lead members of the public to identify the appellant. The appellant can be referred to as "EY".

Signed

Date

29 August 2017

Judge McCarthy
Deputy Judge of the Upper Tribunal