

IMMIGRATION APPEAL TRIBUNAL

Appeal No: 01TH00256  
HX/71300/98

Date heard: 25/01/2001  
Date notified: 18/04/2001

Before:  
His Honour Judge J Townend (Chair)  
Mr D K Allen

FARSHID SALEZAH  
Appellant

The Secretary of State for the Home Department  
Respondents

Determination and Reasons

1. This is an appeal against the Determination of the Special Adjudicator (Mr H. Mitchell, QC) promulgated on 16 April 1999, refusing the appellant's appeal against the decision of the respondent by letter dated 11 March 1998 to refuse his claim for asylum. Before us, the parties were represented respectively by Mr D. Williams of Counsel, and Mr G. Saunders of the Home Office.
2. The appellant is a citizen of Iran who arrived here on 30 March 1995 with his wife and daughter.
3. The hearing before the Special Adjudicator took place over two days, 8 December 1998 and 23 February 1999.
4. The basic claim of the appellant was that he had been persecuted in Iran for reasons such that he had fled in fear of further persecution, political and/or religious. The Special Adjudicator repudiated this claim and found that for a multitude of reasons, as expressed in his determination, that the appellant was not a credible witness as to what had occurred in Iran. It could not be and was not argued before us that such conclusions of the Special Adjudicator were appealable.
5. REFUGEE SUR PLACE (a) However, there was and is a further element of the appellant's case, which, we seek to summarise, is his claim to have been involved in this country in the pro-monarchy activities of the Iran Paad organisation, in continuation of his involvement with that organisation in Iran, such that he would in any event have become known to the Iranian authorities here and hence the authorities in Iran.

(b) It was not in dispute before the Special Adjudicator that the appellant had taken part in demonstrations organised by Iran Paad outside the Iranian Embassy in London.

(c) In his determination, the Special Adjudicator considered on page 11 thereof the decision in Danian, at the time a decision which had not been considered by the Court of Appeal. Having regard to his finding of lack of credibility with regard to the appellant's political activities in Iran the Special Adjudicator came to the conclusion that the appellant's political activities here were "cynically calculated to create evidence in his favour".

He considered on page 12 thereof the appellant's evidence with regard to the impact on his family in Iran of such activities and concluded that this meant that the appellant had no real fear of being identified by reason of such activities. In this context, the Special Adjudicator had considered a letter dated 22 November 1998 from the London office of Iran Paad speaking of the appellant's activities inside and outside Iran.

He concluded, on page 15 of his determination, in dealing with the submissions that (in any event) the appellant is at risk of persecution on account of his political opinion because of his monarchist activities here, that "I have already stated my reasons why I do not accept that this risk, if it exists at all, entitled the appellant to (refugee status)".

(d) Leave to appeal was refused in robust terms by the Tribunal.

(e) Consequential upon the decision of the Court of Appeal in Danian, by consent in Judicial Review proceedings, the matter was referred back to this Tribunal for leave to appeal to be granted, as it was.

6. We are mindful that:

(a) we must give most anxious consideration to this claim (b) the burden of proof is on the appellant, but he needs to satisfy us with regard to all aspects of our consideration only that there is a real possibility in all the circumstances that currently he has a well-founded fear of persecution in Iran by reason of his political opinion if returned there.

7. No evidence not before the Special Adjudicator in December 1998 and February 1999 was sought to be placed before us.

8. On behalf of the appellant it was submitted in essence that:

(a) We could be satisfied that his activities here were genuinely in pursuit of his political opinion and not manufactured to bolster his asylum appeal, in particular in view of his immediate mention in his interview record (sic) of his activities and opinions while in Iran.

We note that the appellant arrived here, with leave to enter as a visitor in connection with his daughter's medical condition, on 30 March 1995, claimed asylum on 3 April 1995

and, in his self-completed questionnaire dated 27 April 1995 expressed his and his family's political stance and activities in Iran and spoke of, and produced a photograph of himself attending a demonstration on Sunday 23 April 1995 organised by Iran Paad opposite the Iranian Embassy.

(b) There is a real risk, on careful examination of the circumstances, of his activities here leading to his being identified by the Iranian authorities here and in Iran and hence persecuted for his political opinion if returned there.

9. On behalf of the respondent, it was submitted in essence that the evidence does not establish such a real risk - he is not a prominent dissident, if dissident at all.

10. It is not in dispute in this case that an identified apparent opponent of the Iranian regime is at risk of persecution for a Convention reason in Iran.

11. We have taken particular account of all the written statements of the appellant detailing his political activities here, what is said to have been his oral evidence before the Special Adjudicator, and the documents before the Special Adjudicator speaking of the relevant activities of the appellant.

12. We are mindful that whatever the motive(s) for the relevant activities might be, the question for us is do those activities create a real possibility of persecution in Iran for a Convention reason.

13. Having regard to the evidence of the nature and scale of the appellant's relevant activities here, which evidence we accept, we remind ourselves that:

(a) there is no evidence before us of any further political activity by the appellant since February 1999.

(b) there is no evidence at all of any problem from the Iranian authorities in respect of the appellant's family in Iran,

(c) the Special Adjudicator concluded that the respondent's attitude to any risk to his family in Iran by reason of his activities here before February 1999 meant that the appellant had "no real fear of being identified".

14. In all the circumstances, we determine this:

(a) there is no real risk that his activities here might have come to the notice of the authorities in Iran

(b) the appellant has no fear of persecution in Iran for his political opinions

(c) there is no real possibility of his being persecuted in Iran for his political opinions as expressed by his political activities here, if returned to Iran

(c) there is no real possibility of his being persecuted in Iran for his political opinions.

15. We dismiss this appeal.

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