



United Kingdom - Mamode v SSHD

The Appellants were appealing the decision of the First-tier Tribunal (the “FtT”). The Appellants brought their appeal on two grounds: i) the FtT had failed to provide a properly reasoned finding regarding the nationality of the Appellants; and ii) the FtT had failed to properly consider the risk of returning the Appellants to Iran on account of their being ethnically Kurdish. The Upper Tribunal dismissed the Appellants’ appeal.

Case status: Decided

Case number: PA/07451/2018 and PA/07454/2018

Citation: Mamode v SSHD Appeal Numbers: PA/07451/2018 and PA/07454/2018

Date of decision: 18/06/2019

State: United Kingdom

Court / UN Treaty Body: Upper Tribunal (Immigration and Asylum Chamber)

Language(s) the decision is available in: English

Applicant's country of birth: Iran

Applicant's country of residence: United Kingdom

Key aspects: Deportation and removal, Determination/confirmation of nationality, Protection

Relevant Legislative Provisions:

N/A - none cited

Facts

The Appellants were a mother and daughter who were seeking to prevent their return to Iran on the grounds that they would face persecution from the Iranian authorities on account of: 1) their Kurdish ethnicity; and 2) the actions of some of their male relatives for political activism which meant that they would be targeted by the authorities.

The Appellants had previously been interviewed in their attempts to establish their assertion that they were Iranian nationals, from a part of rural Iran. The FtT found that the Appellants gave inconsistent or inaccurate answers to support that assertion. For example, the Appellants were unable to use the Iranian calendar and wrongly describing denominations of Iranian currency. These inconsistencies and inaccuracies suggested that they had both a limited knowledge of things Iranian, but also a much greater exposure to mainstream life in Iran than they assert suggesting that they were not from rural Iran.

The second aspect of the Appellants' appeal was regarding the risk to their lives should they be returned to Iran, by virtue of their Kurdish ethnicity and resulting separatist actions of certain male family members who had since been killed by the Iranian authorities. The FtT accepted that the Appellants were ethnically Kurdish, but this aspect of their appeal fell away once the FtT had determined that it was not properly satisfied that the Appellants were Iranian. In addition, the First Appellant gave a conflicting account regarding the arrests of her father and brother which further fortified the FtT in its decision.

The Appellants appealed the FtT decision to the Upper Tribunal.

Legal arguments by the applicant

N/A - no summary or transcript available

Legal arguments by the opposing party

N/A - no summary or transcript available

Decision & Reasoning

The Upper Tribunal dismissed the Appellants' appeal confirming that the FtT had made no "arguable error of law" in coming to its decision.

As regards ground 1), the Upper Tribunal found that it was clear from the judgment that *"the [FtT] did not find the appellants' explanation for the shortcomings in the evidence they gave regarding their nationality (in terms of being from rural Iran) to be consistent with the answers they gave indicating knowledge to be expected of persons from an urban/ "mainstream" background"*.

As regards ground 2), the Upper Tribunal stated that *"[i]f the appellants were not Iranian they would not face a real risk of being returned to Iran. The only caveat to*

that could be if the appellants were stateless persons whose country of former habitual residence is Iran, but on the judge's findings of fact, whatever country they originated from it was not Iran." Therefore, there was no need to engage with whether the Appellants would be at risk by virtue of their Kurdish ethnicity. The Upper Tribunal also held that *SSH (Iran) v CG* [2016] UKUT 00308 (IAC) was not applicable as *"the appellants had failed to show that Iran was either their country of nationality or former habitual residence."*

Decision documents

[PA074512018 PA074542018 \(2\).pdf](#)

Outcome

Appeal dismissed

Links to other relevant materials related to the case (blogs, analysis, articles, reports, etc.)

N/A

Caselaw cited

SSH (Iran) CG [2016] UKUT 00308 (IAC)

Third party interventions

N/A