

Immigration

Child Asylum

We successfully represented a young vulnerable Iranian Kurd (an unaccompanied asylum-seeking child) whose asylum and human rights claim was rejected by the Home Office. Our client claimed that the Iranian authorities have an adverse interest in him because he is a supporter of KDPI and that he had worked for KDPI as a leaflet distributor.

After he arrived in the United Kingdom he continued to participate in protests and demonstrations. He posted pictures and videos of his participation on his Facebook page to demonstrate his political affiliations. He sought to rely on this further evidence in support of his appeal. Our client believed that his Facebook posts has created a real risk of persecution in Iran if he were forcefully returned to Iran.

However, the Home Office did not attach any weight to our client's Facebook posts.

The Iran country guidance case HB (Kurds) Iran CG [2018] UKUT 00430 (IAC), confirms that *Kurds involved in Kurdish political groups or activity are at risk of arrest, prolonged detention and physical abuse by the Iranian authorities and that even Kurds expressing peaceful dissent or who speak out about Kurdish rights also face a real risk of persecution or Article 3 ill-treatment.*

After scrutiny of the evidence in support of the client's political activities and assessing the evidence according to the standard of proof, we presented our client's appeal on the basis that:

- sufficient weight should be attached to his posts about his political activities, and
- it was more than likely that the Iranian authorities were aware of his political affiliations and activities in London because of the Facebook posts.

We invited the Court to:

- attach weight to the Facebook posts as the documentation, format, layout and content appears genuine and it was accessible in Iran, and
- consider the fact that our client had over 799 Facebook friends and his posts had gathered a level of interests and reposts (with comments and views) that our client could no longer control and/or delete. Thus, it was likely that he has created a profile which had created a real risk of death and/or persecution if he was returned to Iran.

The Court was persuaded by our efforts in highlighting the significance of our client's posted political activities and was satisfied that our client's actions are genuine and politically motivated against the Iranian regime. Therefore, our client was likely to be perceived by the authorities as a threat that should be eliminated. Our client's appeal was allowed on both asylum and human rights grounds.

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Contracted with the Legal Aid Agency