



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

**Appeal Number: AA/06900/2014**

**THE IMMIGRATION ACTS**

**Heard at Manchester Piccadilly  
On 30 March 2015**

**Decision Promulgated  
On 16 April 2015**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE BIRRELL**

**Between**

**AHMAD REZA NAEMI  
(ANONYMITY DIRECTION NOT MADE )**

Appellant

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr Mandubuike for AJO Solicitors

For the Respondent: Mr A Mc Vitie Senior Home Office Presenting Officer

**DECISION AND REASONS**

**Introduction**

1. I have considered whether any parties require the protection of an anonymity direction. No anonymity direction was made previously in respect of this Appellant. Having considered all the circumstances and evidence I do not consider it necessary to make an anonymity direction.
2. This is an appeal by the Appellant against the decision of First-tier Tribunal Judge Hillis promulgated on 4 November 2014 which dismissed the Appellant's appeal on all grounds.

### Background

3. The Appellant was born on 2 June 1976 and is a national of Iran.
4. On 20 March 2014 the Appellant applied for asylum in essence on the basis that he was a convert from Islam to Christianity.
5. On 27 August 2014 the Secretary of State refused the Appellant's application. The refusal letter gave a number of reasons:
  - (a) The Appellant's account as to whether his friend Sohail had been arrested was inconsistent.
  - (b) The Appellant's account of how he came to the attention of the authorities was inconsistent.
  - (c) The Appellant's claim that the Armenian Christians in his group evangelised was contradicted by the background material.
  - (d) The Appellant's claim that the Armenian Church was targeted by the authorities was inconsistent with the background material.
  - (e) The Appellant's lack of knowledge of those parts of the bible he claimed to have read did not support his claim to have been part of Bible study group.

### The Judge's Decision

6. The Appellant appealed to the First-tier Tribunal. First-tier Tribunal Judge Hillis ("the Judge") dismissed the appeal against the Respondent's decision. The Judge found :
  - (a) The Appellant's claims about Armenian Christians was inconsistent with the background material.
  - (b) the Judge did not find the Appellant's willingness to prepare Christian crosses for Nooshin was credible or why she would risk approaching him to make them.
  - (c) The Appellant's limited knowledge of the Bible afforded no support for his claim.
  - (d) The Judge took into account Dorodian (01/THO/1537) and gave no evidential weight to the evidence of the Pastor who attended court to give evidence as he was not involved in the assessment of the Appellant for baptism and his knowledge of the Appellant was limited. The pastor who was involved in such assessment provided a letter but no explanation as to why he could not attend court to give evidence.
  - (e) The Judge did not accept that the Appellant was a genuine convert to Christianity.
  - (f) The Judge did not find that the Appellant fell into any of the risk categories in SB (risk on return-illegal exit) Iran CG [2009] UKIAT 00053.

7. Grounds of appeal were lodged extending to some 19 paragraphs but with no clear indication of what the error of law was in the decision.
8. On 19 December 2014 first-tier Tribunal Judge Parkes gave permission to appeal on the basis that the Judge had arguably erred in finding that the Appellant had been introduced to Christianity by Armenian Christians.
9. At the hearing I heard submissions from Mr Mandubuike on behalf of the Appellant having advised him to assist me by identifying errors of law in his grounds. While relying on the grounds as drafted he submitted that :
  - (a) The Judge had made a mistake of fact in finding that the Appellant was converted to Christianity by Armenian Christians. This was not the case as the Nooshin was a convert from Islam to Christianity and not an Armenian as the Judge found.
  - (b) The Judge misunderstood the background material which did not say that Armenians did not proselytise.
  - (c) The findings at paragraph 8 and 9 were not open to the Judge and involved him speculating.
  - (d) At paragraphs 12- 17 the judge applied too high a standard of proof to the evidence before him.
  - (e) The Judge at paragraph 18 misapplied SB
  - (f) The Judge did not consider the Appellant's rights under Article 8.
10. On behalf of the Respondent Mr Mc Vitie submitted that :
  - (a) Given the short period that the Appellant and his family had been in the United Kingdom and that they would return to Iran as a family there was no breach of Article 8.
  - (b) The judge found that part of the Christian group that the Appellant joined was made up of Armenian Christians and the background material showed that they do not proselytise.
  - (c) The judge's findings in relation to whether a Christian would approach someone who was not a Christian to make crosses was set against the background material about Iran and was open to him.
  - (d) The findings about the Appellant's bible knowledge were not determinative in the appeal and were open to the Judge.
  - (e) The Judge was entitled to find that the internet article about Sohail did not support his case. There are people charged with apostasy and Sohail was not. The fact that the Appellant knew Sohail did not support his claim to have converted.

### **Finding on Material Error**

11. Having heard those submissions I reached the conclusion that the Tribunal made no material errors of law.
12. At the heart of the Appellant's claim (questions 34-37 of the asylum interview) was that he was a convert to Christianity and part of a group that included two people who were Armenian Christians (Arax and Alenoosh) and two who were converts from Islam (Noorshin and Sohail )In setting out his findings the Judge described Noorshin as an Armenian Christian at paragraph 28 and this was therefore a factual error.
13. However I am satisfied that this factual error was not material to the outcome of the decision because although he stated that his claim to have been introduced to Christianity by Armenian Christians was at odds with the background material he also found that the Appellant's knowledge of Armenian Christians in general was inconsistent with the background material. Specifically the Appellant was asked at Q70 whether Armenian Christians try to convert Muslims and he responded 'yes, to evangelise or to tell others about their religion is part of their faith always.' The Judge was entitled to consider the background material referred to at paragraph 16 of the refusal letter as inconsistent with this view. I am satisfied that the Judge interpreted this paragraph correctly and I do not agree with the interpretation argued by Mr Mandubuike at paragraph 6 of the grounds. The COI report clearly distinguishes between Ethnic Christians who include Armenians and Non Ethnic Christians and in the third paragraph states that "*non-ethnic Christians, however have faced great pressure because, unlike the "ethnic" Christians, they are involved in proselytising*" (paragraph 19.33) If there was any doubt the fact that ethnic Christians who are Armenians do not actively proselytise is repeated in the 5<sup>th</sup> paragraph.
14. The grounds challenge that it was not open to the Judge to find it incredible that a Christian would approach a Muslim and request he make crosses and ask him to deliver them to her home (paragraph 28) I am satisfied that this was a finding open to the Judge given that the Appellant's own account was that it was illegal for such items to be made especially by Muslims which the Appellant was at the time of the initial approach.
15. The Judges findings in relation to the Appellant's lack of knowledge of Christianity at paragraph 31 are challenged. I am satisfied that the findings are balanced and very fair in that the Judge is clear the issue is not determinative, he specifically recognises the low level of the Appellant's education and the relatively short period during which he had studied the bible. I am satisfied that he does not make an adverse finding against the Appellant but rather concludes that the level of his knowledge does not positively assist his claim.
16. The Judge's finding that the internet article regarding Sohail also did not assist his claim to have been a convert to Christianity because the article did not state that Sohail was arrested because of any religious behaviour contrary to Islamic law. It was open to the Judge to find additionally that the fact that the Appellant knew Sohail as evidenced by having a photo of them together did not mean that he was involved in any way in Sohail's activities. This was a finding open to the Judge.

17. Having found that the Appellant was not a convert to Christianity the Judge was entitled to conclude that he did not fall into any of the risk categories in SB.
18. The grounds at paragraph 19 challenge the Judge's failure to assess Article 8 in relation to his wife and child. While this was raised in the grounds of appeal the argument was not advanced before the Judge as he records at paragraph 45. Given that they could not be argued to meet any of the requirements of Appendix FM and Paragraph 276ADE and given his finding that they had been in the UK for less than 12 months and would be returning as a family unit and failure to address Article 8 would have had no material effect on the outcome of the decision.
19. I find that the reasons given were adequate and the Appellant cannot be in any doubt about why the appeal was dismissed: his alleged conversion to Christianity was not accepted and therefore he was not at risk on return.

## **CONCLUSION**

20. **I therefore found that no errors of law have been established and that the Judge's determination should stand.**

## **DECISION**

21. **The appeal is dismissed.**

Signed

Date 7.4.2015

Deputy Upper Tribunal Judge Birrell