



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

Appeal Number: PA/09164/2017

THE IMMIGRATION ACTS

Heard at Field House

On 5th April 2018

**Decision & Reasons
Promulgated
On 17th April 2018**

Before

UPPER TRIBUNAL JUDGE MARTIN

Between

**P K
(ANONYMITY DIRECTION CONTINUED)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr T Hodson (Elder Rahimi Solicitors (London))

For the Respondent: Mr T Wilding (Senior Home Office Presenting Officer)

DECISION AND REASONS

1. This is an appeal to the Upper Tribunal by the Appellant in relation to a Decision and Reasons of Judge Aujla promulgated on 24th October 2017 after a hearing on 17th October 2017. The case was a protection claim by an Iranian Appellant born in 1994. The Appellant had originally come to the United Kingdom as a minor and claimed asylum on the basis of political opinion and having attended demonstrations. That application was rejected by the Secretary of State but in line with her policy the Appellant was given discretionary leave. He did not appeal the refusal of that asylum claim. He subsequently made further representations which

were accepted as a fresh claim on the basis that he had converted from Islam to Christianity. That application was also rejected and it was his appeal against that refusal which came before Judge Aujla.

2. Before Judge Aujla the Appellant was relying not only on his conversion to Christianity but on his original claim that he had not appealed. The Judge found he was not at risk on account of his imputed political opinion on the basis of a lack of evidence about that, other than the oral evidence of the Appellant. The Judge also found the Appellant not to be a genuine Christian convert and therefore not at risk for that reason either.
3. The Appellant challenges that Decision on a number of grounds. The first is that the Judge erred in requiring corroboration in relation to the original political opinion claim. That was an error, although that aspect of the claim I am informed is not being relied upon today. The main error is in relation to the Judge's findings in relation to the Appellant's claimed conversion. There is a large amount of documentary evidence and statements contained in the Appellant's bundle, and indeed in the Respondent's bundle, which were not addressed by the Judge at all. A particular aspect I was referred to was the Appellant having introduced other people to the church that he attends in the UK which is not mentioned anywhere in the judgment.
4. The Judge at paragraph 64 refers to the several witnesses that the Appellant called, one of whom being a pastor. However, that paragraph contains no analysis of what the evidence from those witnesses actually was, whether they were cross-examined, and if so, what was said. It is simply not mentioned at all. What they had to say may well have been relevant as to the Appellant's behaviour, his knowledge of Christianity and whether or not he proselytised. The findings are wholly inadequate.
5. The Judge also refers to the Appellant not having renounced Islam whilst in Iran. That point is irrelevant because the Appellant never claimed to have renounced Islam in Iran. He claims to have converted once he came to the UK. The Judge also refers to him not practising his Christian faith in the United Kingdom openly when clearly he does because he attends church on a regular basis. In short, the reasoning of the First-tier Tribunal is inadequate to form a conclusion that the conversion is not genuine. Mr Wilding did not press me to find that it was adequate and I therefore allow the appeal to the Upper Tribunal to the extent that the judgment is set aside in its entirety and remitted to the First-tier Tribunal for a full rehearing on all issues.
6. I would add that Mr Hodson before me indicated that the case would be proceeding on the basis of the Christian conversion rather than the historic political claim.
7. As this is a protection appeal I do make an anonymity direction which in fact continues the direction made by the First-tier Tribunal.

8. The appropriate First-tier Tribunal hearing centre is Taylor House.

Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until a Tribunal or court directs otherwise, the Appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him or any member of his family. This direction applies both to the Appellant and to the Respondent. Failure to comply with this direction could lead to contempt of court proceedings.

Signed

Date 12th April 2018

Upper Tribunal Judge Martin