



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

Appeal Number: PA/02000/2019

**THE IMMIGRATION ACTS**

At Field House  
On the papers

Promulgated  
On 28 April 2020

**Before**

**UPPER TRIBUNAL JUDGE HANSON**

**Between**

**AA**

(Anonymity direction made)

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**DECISION AND REASONS**

1. On 1 August 2019 the Upper Tribunal found a Judge of the First-tier Tribunal had erred in law in a manner material to the decision to dismiss the appeal. The decision was set aside although it is a preserved finding that the appellant has converted to Christianity in the United Kingdom and that such conversion is genuine.
2. The appeal was adjourned pending publication of the forthcoming country guidance case relating to Christians which has now been published as PS (Christianity - Risk Iran) CG [2020] UKUT 00046 which the appellant's representatives states confirms the appellant will face a real risk on return to Iran unless he hides his faith through fear of risk of persecution, which is contrary to the HJ (Iran) principle.
3. Directions were issued on 26 March 2020 seeking the respondent's view of the merits of the appeal in light of the findings in PS.

4. In a letter of the same date Senior Home Office Presenting Officer, Mrs Pettersen, advised the Upper Tribunal:

Re: Secretary of State's response to Directions.  
Mr [AA] Iran (Islamic Republic of) 27 August 1978

1. Upper Tribunal Judge Hanson issued directions in relation to this appeal on 26th March 2020 in which he sought the position of the respondent in the light of the CG case relating to Christians which has now been published as PS (Christianity - Risk Iran) CG [2020] UKUT 00046 to this appeal.
  2. Given the preserved finding of the First Tier Tribunal that the appellant is a genuine convert to Christianity the respondent accepts that in the light of the new Country Guidance the appellant would face a risk on return.
  3. The respondent has no objection to the decision being remade to allow the appeal on Protection grounds without a further hearing.
5. In accordance with the Upper Tribunal powers to dispose of an appeal without a hearing, where appropriate, the Upper Tribunal allows the appellants appeal on the basis he will face a real risk on return to Iran as a result of his conversion to the Christian faith unless the acts discreetly, which he would only do as a result of a fear of persecution if he expressed his faith openly, which is contrary to the HJ (Iran) principle.

**Decision**

6. **I remake the decision as follows. This appeal is allowed.**

Anonymity.

7. The First-tier Tribunal made an order pursuant to rule 45(4)(i) of the Asylum and Immigration Tribunal (Procedure) Rules 2005.

I make such order pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008.

Signed.....

Upper Tribunal Judge Hanson  
March 2020

Dated the 26

