



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

Appeal Number: AA/08853/2013
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THE IMMIGRATION ACTS

Heard at Bradford

On 8 April 2014

Determination

Promulgated

On 10 April 2014

Before

UPPER TRIBUNAL JUDGE D E TAYLOR

Between

**HANIEH SADAT MIRI
AMIR RASKHADIVMASOULEH**

Appellant

And

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Gayle, Elder Rahimi solicitors.

For the Respondent: Mr M Diwncyz, HOPO

DECISION AND DIRECTIONS

1. These are the Appellants' appeals against the decision of First-tier Tribunal Judge Hemingway made following a hearing at Bradford on the

21 October 2013, dismissing their appeals against the Respondent's decision to refuse to grant them asylum.

2. The first appellant's claim is based upon a raid of her father's house when her computer was taken, which contained incriminating material, her conversion to Christianity, and on the basis of being at risk on return to Iran because of the deteriorating situation there since the case of SB Iran CG [2009] UKAIT 53.
3. The first appellant's sister was granted asylum in the UK apparently on the basis of the same raid, following interview.
4. The judge made adverse credibility findings against the first appellant, substantially because there was a lack of supporting evidence from the family, in particular the sister who is in the UK.
5. Mr Gayle argues with merit that the judge erred because he failed to take into account the documentary evidence from the mother, in the form of an email in the appellant's bundle, and because he made an unsustainable finding that the raid did not occur.
6. Mr Diwncyz defended the determination, which is characteristically thorough and generally well reasoned, and I agree that the challenges to the judge's findings in respect of the conversion to Christianity, and the SB point, have not been made out. However, the combination of the lack of consideration of important evidence from the mother (especially since the judge's primary reason for disbelieving the appellant was the lack of family support), and the finding that the raid did not occur, when it has been accepted that it did as the basis for the sister's grant of asylum, persuade me that this decision must be remade.
7. The decision is set aside. The appropriate course is remittal to the first-tier tribunal. The case should be listed at Bradford before a judge other than Mr Hemingway, whose findings on the conversion to Christianity will of course be the starting point for the next judge's considerations.

Signed

Date

Judge of the Upper Tribunal