



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

Appeal Number: AA/01406/2014

**THE IMMIGRATION ACTS**

**Heard at Newport  
On 2 June 2015**

**Decision & Reasons Promulgated  
On 12 June 2015**

**Before**

**UPPER TRIBUNAL JUDGE GRUBB**

**Between**

**A M  
(ANONYMITY DIRECTION MADE)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Mr B Hoshi instructed by Migrant Legal Project  
For the Respondent: Mr I Richards, Home Office Presenting Officer

**DETERMINATION AND REASONS**

1. This appeal is subject to an anonymity order by the First-tier Tribunal pursuant to Rule 45(4)(i) of the Asylum and Immigration Tribunal (Procedure) Rules 2005 (SI 2005/230). Neither party invited me to rescind the order and I continue it pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 (SI 2008/2698).
2. The appellant is a citizen of Iran who was born on 10 May 1985. He arrived in the United Kingdom on 22 January 2014 and claimed asylum. On 19 February 2014, the Secretary of State refused his claim for asylum and humanitarian protection and under Articles 2, 3 and 8 of the ECHR. The Secretary of State rejected the Appellant's claim that he was at risk on

return to Iran as a Christian convert. In particular, the Secretary of State did not accept that the appellant was, in fact, a Christian.

3. The appellant appealed to the First-tier Tribunal. In a determination promulgated on 13 June 2014, Judge Britton dismissed the appellant's appeal. He made an adverse credibility finding but accepted that the appellant was "born a Christian". In the light of that, the judge dismissed the appeal on the basis that the appellant had failed to establish that he would be at risk on return to Iran.
4. The appellant sought permission to appeal to the Upper Tribunal. Permission was initially refused by the First-tier Tribunal on 4 July 2014 but on 1 October 2014, a renewed application to the Upper Tribunal was granted by UTJ Peter Lane.
5. The appeal initially came before me on 11 March 2015. In a decision dated 31 March 2015, I set aside Judge Britton's determination in respect of the appellant's asylum claim – which alone was pursued – but preserved his finding that the appellant was a Christian. My reasons for doing so are fully set out in that decision and it is unnecessary to repeat them here.
6. The appeal was subsequently re-listed for the decision to be re-made in the Upper Tribunal in particular, on the principal issues of whether the appellant had established that he was a Christian convert and what, if any risk, there would be to him on return to Iran.
7. At the outset of the hearing, Mr Richards, who represented the Secretary of State accepted that he was in difficulties in resisting the appeal. He indicated that he could not dispute that the appellant was a Christian convert. That concession is, in my judgment, entirely justified in the light of the evidence. The evidence before Judge Britton from a number of ministers of religion clearly, in my view, supported Mr Richards' acknowledgement that the appellant was a Christian convert, rather than a born Christian, taken together with the documentary evidence in particular a marriage and birth certificate supporting the view that the appellant's parents were Muslims. Mr Richards also accepted that the evidence was that the appellant was an "active" Christian convert. Mr Richards accepted, as a consequence, that the appellant had established that there was a real risk that he would be persecuted because of his religion if returned to Iran. That was supported both by the case law and also the respondent's own guidance. Mr Richards accepted that the appellant's appeal should be allowed on asylum grounds. That concession is, in my judgment, amply supported by the material and submissions contained in Mr Hoshi's skeleton argument at para 35(a)-(e).
8. I have considered all the material and, in my judgment, Mr Richards' position on behalf of the Secretary of State is entirely justified both as to the factual matrix and also the consequential risk to the appellant on return to Iran.

## **Decision**

9. For the reasons set out in my earlier decision, the First-tier Tribunal's decision to dismiss the appellant's appeal on asylum grounds involved the making of an error of law. That decision was set aside.
10. I re-make the decision allowing the appellant's appeal on asylum grounds.

Signed

A Grubb  
Judge of the Upper Tribunal