



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

Appeal Number: PA/04537/2019

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 18 December 2019**

**Decision & Reasons  
Promulgated  
On 10 January 2020**

**Before**

**UPPER TRIBUNAL JUDGE KAMARA**

**Between**

**RD  
(ANONYMITY DIRECTION MADE)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Mr K Gayle, counsel instructed by Elder Rahimi Solicitors  
For the Respondent: Mr P Singh, Senior Home Office Presenting Officer

**DECISION AND REASONS**

Introduction

1. The appellant appeals against the decision of the Secretary of State dated 1 May 2019 in which his protection claim was refused. His appeal against that decision was dismissed by the First-tier Tribunal in a decision promulgated on 10 July 2019. That decision was set aside, with no findings preserved, following a hearing before the Upper Tribunal on 30 October 2019 and is remade below.

Anonymity

2. Such a direction was made previously and is repeated below because this is a protection matter.

### Background

3. The appellant continues to advance the same claim as previously, that is he is at risk in Iran as an apostate. In short, the appellant was in a relationship with a woman who was born a Christian and they attended a house church in Iran. The appellant fled Iran after the house church was raided, having been informed that the authorities were seeking him.
4. In refusing the protection claim, the Secretary of State accepts that the appellant was an Iranian national and that he was born a Muslim but rejects his claim to have converted to Christianity, because his responses to questions posed during his asylum interview were considered to be both internally inconsistent as well as inconsistent with country information.

### The hearing

5. At the beginning of the hearing, Mr Singh requested an adjournment for the respondent to consider the evidence submitted on behalf of the appellant on 12 December 2019. Mr Gayle objected to that application, stating that the only new matters were the appellant's baptism and his use of Facebook. I declined to adjourn given the lateness of the application as well as the fact that the parties and witnesses were in attendance and ready to proceed with the hearing.
6. I heard oral evidence from the appellant as well as [MG] who is a member of the Leadership Board of the Iranian Christian Fellowship (ICF), both of whom were cross-examined by Mr Singh. Both representatives made oral submissions and Mr Gayle relied upon his recent skeleton argument. I made a note of the evidence and submissions, which I will not repeat here but take into consideration in reaching my conclusions.
7. At the end of the hearing I indicated that I accepted that the appellant had given a credible account and that his appeal was allowed. I now give my reasons.

### Reasons

8. In protection claims, the burden of proof is on the appellant and the standard of proof is lower, in that the appellant need only establish that there is a reasonable degree of likelihood that he would face persecution if returned to Iran.
9. Mr Singh's submission was that the main issue was the appellant's credibility and if he was found to be credible about his religion and evangelising on return, he would be at risk of persecution as an apostate.
10. The documentary evidence before me includes the respondent's bundle of material submitted to the First-tier Tribunal on 22 May 2019 and the appellant's bundle which was enclosed under cover of a letter dated 6 June 2019. The respondent's bundle consists of the screening interview record dated 12 December 2018, a preliminary information form dated 28 March 2019 and the substantive asylum interview record dated 18 April 2019.

11. The appellant's original bundle contains the appellant's witness statement dated 29 May 2019, a skeleton argument and a not inconsiderable number of country reports and press articles. In addition, there is a letter dated 10 June 2019 from Malcolm Steer, a pastor for the Iranian Christian Fellowship (ICF) as well as a witness statement from Mr [G], dated 13 June 2019.
12. On 12 December 2019, the Upper Tribunal received a supplementary bundle of evidence on behalf of the appellant which included his further witness statement, a further letter from Malcolm Steer dated 28 November 2019, an email from the ICF Leadership Board dated 11 December 2019, evidence in relation to the appellant's baptism, an email from the appellant's brother "AD" as well as a printout of the appellant's Facebook pages. At the beginning of the hearing Mr Gayle submitted an addendum statement from Mr [G] dated 16 December 2019.
13. In considering this matter, I have considered the relevant case law, with particular reference to the guidance in *TF and MA* [2018] CSIH 18, *FS and Others (Iran - Christian Converts)* Iran CG [2004] UKIAT 00303, *AB and Others (internet activity - state of evidence)* Iran [2015] UKUT 0257 (IAC) as well as *SSH and HR (illegal exit: failed asylum seeker)* Iran CG [2016] UKUT 00308 (IAC). I have also taken into consideration all the evidence and submissions before me, both oral and written and assessed it in the round, in reaching my conclusions.
14. The appellant relies on a letter dated 28 November 2019 from Malcolm Steer, the pastor of the ICF in which it is confirmed that the appellant "*is a Christian,*" that he had been attending church services since February 2019, that he converted to the Christian faith, successfully completed a course teaching new converts about basic Christian doctrines and was baptised on 22 November 2019. In an earlier letter dated 10 June 2019, Mr Steer also confirmed that the witness Mr [G] had the backing of the ICF's pastors to represent the church before the First-tier Tribunal in the appellant's case. A subsequent email confirms that Mr [G] remains authorised to represent the church before the Upper Tribunal. Mr Singh had no criticism to make of any of this correspondence. Furthermore, I could see no good reason to reject of any of this evidence and consequently, place a significant degree of weight upon it.
15. Having heard oral evidence from Mr [G], I could see no reason to reject his evidence. Indeed, Mr Singh raised no criticism of Mr [G]'s evidence and emphasised that the witness was aware of the appellant's religious journey. In his most recent witness statement, Mr [G] confirmed that the appellant was a genuine and committed convert to Christianity, that the appellant attended every Sunday service, completed the Alpha course and was baptised. He also explained that he was the appellant's mentor and met him on a one to one basis weekly and that the appellant was fully engaged with church life and routinely volunteered his help. Mr [G] was able to credibly expand upon his witness statement during cross-examination and demonstrated during his oral evidence that he was aware of the appellant's circumstances including how he became interested in Christianity in Iran. Mr [G] further expressed awareness of the issue of some Iranian nationals posing as Christian converts to secure refugee status, explaining that the ICF assessed people by putting them through the Alpha course, mentoring them, monitoring their lifestyles and any changes and talking to them. He emphasised that the ICF Leadership Board took its time to decide if an individual was a genuine Christian convert. Mr [G] had not previously given evidence on behalf of any other appellant. I find Mr [G] to be a credible expert

witness to the appellant's Christian conversion and attach substantial weight to his evidence.

16. In the appellant's recent bundle are a quantity of Facebook posts dating from around 27 September 2019 to shortly before the bundle was put together. There are many images of Jesus Christ accompanied by comments in Farsi which are interspersed with photographs of the appellant. Mr Singh's conceded that these posts appeared to be public and if not deleted would put the appellant at risk if he were to be removed to Iran. The appellant's explanation for these posts was that he aimed to spread the light of Jesus Christ and share his faith.
17. I place some weight on the Facebook evidence which does appear to be visible, at the very least, to a long list of the appellant's contacts many of whom have Iranian names.
18. The appellant further relies on an email from his brother AD dated 8 November 2019 and translation in which he castigates the appellant for, in the words of Iranian officials who detained their father "*using the internet to draw the people of Iran towards Christianity.*" Mr Singh had made no submissions in relation to this item and I can see no reason to find it to be unreliable. The email from the appellant's brother alludes to the authorities being aware of the appellant's Facebook activity and that they stepped up their pursuit of the appellant, evidenced by the recent detention of his father. Consequently, I find that even if the appellant were to delete his Facebook account, the damage has already been done.
19. Mr Singh made no criticisms of the appellant's oral evidence. He submitted that it was "clear" that the appellant had a good knowledge of churches in the vicinity of his home and not just the ICF, that the appellant had been to services held in English in his area and that his evidence regarding his change of faith was consistent and supported by his witness.
20. Mr Singh relied on the reasons for refusal letter and I have considered the Secretary of State's decision carefully in assessing the credibility of appellant. Those reasons include that the appellant's responses in interview failed to "*detail a depth of emotion that would reasonable be expected of someone...questioning their religion.*" There is no further exposition of this issue and I find, in any event, that the appellant's explanation of his faith in his interviews does not detract from his claim. It is also asserted by the respondent that there is an inconsistency in the appellant's account regarding when he was first introduced to Christianity. Having considered the appellant's response to this issue in his witness statement as well as his interview record, I am satisfied that there is no such discrepancy. Nor is there any inconsistency between the appellant's account of attending a house church in Iran with his girlfriend who was born a Christian and the background evidence showing that existing members of house churches are cautious in introducing new people. I have assessed the replies given by the appellant in his interviews with the respondent. He was able to answer questions in a level of detail consistent with his involvement with Christianity at the time as well as to consistently explain the path of his conversion. There is nothing overtly implausible about his description of his faith and I accept that the appellant is a genuine and committed Christian convert.
21. In his recent witness statement, the appellant explains that evangelism is central to his faith and how he has encouraged others to attend his church and

opened a Facebook page to “publicise” his faith. I accept that the appellant feels compelled to share his faith with others and that his recent actions cannot be dismissed merely as attempts to bolster his appeal. His oral evidence was consistent with the content of his statement, in that the appellant’s understanding is that Jesus had urged his followers to “spread the light” and that the appellant genuinely wished to do so just that.

22. Considering all the evidence cumulatively, I conclude that the appellant fled Iran owing to a well-founded fear of persecution owing to his attendance at church. His faith has deepened since arriving in the United Kingdom approximately a year ago, in that he has attended church weekly, completed a course, been assessed by his church, been baptised and has begun evangelising. ICF’s Leadership Board authorised a member to support his appeal, which I heard is a rare event because the church takes its responsibility seriously. I have therefore placed significant weight on the attendance of Mr [G].
23. The parties agreed that if the appellant’s claim was credible (and I have found that he is an evangelising apostate whose activities have come to the attention of the Iranian authorities), he was reasonably likely to be detained and subjected to conditions likely to breach his Article 3 rights, at a minimum, if removed to Iran . This is uncontroversial and supported by all the background material before me including the respondent’s CPIN on Christians and Christian Converts dated 6 March 2018 as well as the decision in *SSH and HR* at [23].
24. In summary, the appeal is allowed on protection grounds.

### **Notice of Decision**

25. The appeal is allowed.

### **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 their 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 03 March 2020

Upper Tribunal Judge Kamara