



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: PA/02671/2019

THE IMMIGRATION ACTS

Heard at: Manchester Civil Justice Centre
On the 13th September 2021

Decision & Reasons Promulgated
On the 13th October 2021

Before

UPPER TRIBUNAL JUDGE BRUCE

Between

RG
(anonymity direction made)

Appellant

And

The Secretary of State for the Home Department

Respondent

For the Appellant: Ms Johnrose, Counsel instructed by Broudie Jackson & Canter
For the Respondent: Mr McVeety, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The Appellant is a national of Iran born in 1989. She seeks protection in the United Kingdom on two grounds: imputed political opinion and religious belief. For reasons that shall become clear, it has only been necessary for me to deal with one of these issues.
2. The history of this matter is as follows. The Appellant arrived in the UK on the 8th November 2018 and claimed asylum at port. Her claim was rejected by way of letter dated the 7th March 2019 and she exercised her right of appeal to the

First-tier Tribunal. Her appeal came before First-Tier Tribunal Judge Davies who rejected it in his decision of the 23rd May 2019. On the 16th August 2019 Upper Tribunal Judge Plimmer found the decision of Judge Davies to be flawed for multiple errors of law and set it aside in its entirety. She remitted the matter to the First-tier Tribunal where it came before Judge Siddiqi. Judge Siddiqi also dismissed the Appellant's appeal, by way of her decision dated the 11th February 2020. The Appellant once again sought permission to appeal to the Upper Tribunal which was granted by Upper Tribunal Judge Perkins on the 1st October 2020. On the 11th January 2021 Upper Tribunal Judge Reeds found the decision of Judge Siddiqi to be flawed for error – primarily a material mistake of fact- and set it aside, save that she preserved the findings made by Judge Siddiqi at her paragraph 28. I explain what those findings were below. Given the history of the matter Judge Reeds did not consider that it was appropriate to remit this matter for a third hearing in the First-tier, and so it comes before me.

3. At the outset of the hearing Mrs Johnrose indicated that she intended to rely on both limbs of the protection claim. This was potentially problematic in that Judge Siddiqi had rejected the Appellant's claimed 'religious belief' for want of evidence, and no permission had been sought to appeal against that finding. The decision of Judge Reeds is wholly concerned with the merits of the 'political opinion' limb of the case. Mr McVeety was however prepared to accept that the entire edifice of Judge Siddiqi's reasoning having been set aside (save for one uncontested passage) there was no obstacle to the Appellant pleading her case in this way. Nor was the fact that the Respondent had never substantively considered this aspect of the evidence a problem: Mr McVeety recognised that the Appellant had indicated on arrival that her religious belief was relevant to the degree of risk she might face in Iran, and that the Respondent had conceded, as long ago as the 24th December 2019, that her claim to have converted to Christianity was not a 'new matter' as defined at s85 of the Nationality Immigration and Asylum Act 2002 (as amended).
4. It therefore being agreed between the parties that it was open to the Appellant to advance her case on the grounds of religious persecution, the Tribunal was referred to the Secretary of State's current policy on converts to Christianity in Iran, which applies the Tribunal's own country guidance as set out in PS (Christianity - risk) Iran CG [2020] UKUT 00046 (IAC), in particular at paragraph 3 of the italicised headnote:

Decision makers should begin by determining whether the claimant has demonstrated that it is reasonably likely that he or she is a Christian. If that burden is discharged the following considerations apply:

- i) *A convert to Christianity seeking to openly practice that faith in Iran would face a real risk of persecution.*

- ii) *If the claimant would in fact conceal his faith, decision-makers should consider why. If any part of the claimant's motivation is a fear of such persecution, the appeal should be allowed.*
- iii) *If the claimant would choose to conceal his faith purely for other reasons (family pressure, social constraints, personal preference etc) then protection should be refused. The evidence demonstrates that private and solitary worship, within the confines of the home, is possible and would not in general entail a real risk of persecution.*

5. The effect of this guidance on this particular case was that if the Appellant was telling the truth about being a Christian engaged in communal worship with others, her appeal would fall to be allowed. Mrs Johnrose indicated that if the Appellant were to discharge the burden of proof on that matter, then there would be no need for the Tribunal to make any findings on the 'political opinion' basis of claim. Mr McVeety was content to proceed on that footing. I therefore began by hearing evidence and submissions on this aspect of the case. I heard first from the Appellant's *Dorodian* witness, the Reverend Hough of Stockport Baptist Church. I then heard from the Appellant herself about her beliefs. Having heard the submissions of the parties I indicated that I found the burden of proof to be discharged and that the appeal therefore fell to be allowed pursuant to the guidance in PS (Iran). I therefore did not proceed to the second stage of the hearing, and make no findings on the case as it was originally put, although it is appropriate that I make reference to that evidence as it forms the background to the Appellant's experiences in the UK.

Events in Iran

6. The basis of the Appellant's claim, as originally put, is that in October 2018 she inadvertently became the subject of investigation by the Etelaat. The Appellant was in her 3rd floor apartment in Ahwaz when, on the 2nd October 2018, she heard a disturbance in the street below. A Peugeot 405 was being chased by other cars. One of these cars rammed it from behind and brought it to a halt. Armed men in plain clothes surrounded the Peugeot, which was carrying two men, and opened fire. It was apparent from the way that the plain clothed men were dressed that they were members of the Etelaat. One of the men was dragged from the Peugeot and taken to one of the other cars. The Appellant took out her phone and started filming the incident. She captured five videos, of varying lengths, depicting the scene immediately after the shots were fired. The contents of these videos was available for viewing in the appeal and are described by Judge Siddiqi at her paragraph 28. These findings are preserved:

"The Appellant does not claim to have filmed the actual attack on the two men in question. However, on the basis of what was agreed by the representatives, I accept that she filmed five short videoclips which show police cars, men with rifles, men seemingly cleaning

something off the pavement and men wearing some type of uniform. I also accept that screaming can be heard. Taking this into account, I find that the Appellant filmed an incident in which two men were attacked and the authorities were either involved at the time or shortly afterwards”.

7. These events form the background of the claim, but are not the claim itself. The Appellant claims to have left Iran because of what happened after she shot the films. She shared them, via Whatsapp, with members of her family. Their suspicion that the armed men were from the security services had been confirmed by the fact that when the police arrived on the scene none of the armed men were arrested and the police just stood back and did nothing. The day after the incident her sister, then only 14 years old, was at home alone when three people came to the door. They told her that they were the family of one of the men who was shot, and that he had disappeared. They believed that he was in custody but the authorities were refusing to give them any information. They were upset and crying. They asked if anyone in the apartment had seen anything. The Appellant’s sister said that yes, her sister had filmed the aftermath, and gave the people the clips from the family Whatsapp group. She also gave one of the men the Appellant’s mobile telephone number.
8. When the Appellant saw her sister later that day her sister told her what had happened. The Appellant was upset and stressed when she found out that the footage had been shared. She and her husband agreed that she could get in trouble for having filmed the incident, and that she should go and stay at her mother’s house for a few days. The Appellant therefore went to stay with her mother, in Shahin Shahr. Whilst she was there she received a call from one of the men who had spoken to her sister. He explained that he was the brother of one of the victims of the shooting and that he had discovered that his brother had died. He wanted the Appellant to come to the police station with him to say what she had seen. The Appellant said that she was not in Ahwaz and refused.
9. The following day, on the 7th October 2018, the police came to the workplace of the Appellant’s husband, and arrested him. They questioned him about whether footage had been shot from their apartment and asked about the family, specifically whether the Appellant was involved in the ‘*Monafegin*’ group. This is a pejorative term used by the regime to denote membership of the People’s Mujahideen of Iran (*Mujahideen-e-Khalq*). Objective country background evidence produced before the First-tier Tribunal showed that MEK had staged an attack in Ahwaz in the month preceding the incident and that there had been a crackdown by the security forces as a result. The Appellant’s husband was beaten and intimidated. The Appellant’s husband denied all knowledge and was released that evening. When he returned to the apartment he saw that it had been raided. He contacted the Appellant and warned her to leave her mother’s house and go and stay with a friend. On the 10th October

2018 the authorities came again to his place of work. He was again questioned and his office closed down. Upon hearing that the authorities were pursuing the investigation the Appellant and her family agreed that she must leave Iran. In doing so she left behind her family, her home and her husband, from whom she had not been separated since their marriage in 2012.

10. Although I am not asked to make any determinative finding on the truth or otherwise of that account, for the purpose of my decision there are a few points to be made about it.
11. The first is to note that the events summarised at my §7-9 above are not accepted by the Respondent, and have indeed been rejected by not one but two experienced First-tier Tribunal Judges. Whilst Judge Siddiqi accepted that the shootings occurred, and that the Appellant filmed their aftermath, she found several deficiencies in the account of what followed. Although none of that has any direct bearing on the evaluation I must make about the Appellant professed faith, I bear in mind that as things stand her evidence on what happened before she left Iran is directly challenged. It is possible that all of that was an embellishment, elaborated from the fact that the Appellant was witness to an operation by the security forces in the streets of Ahwaz. The second point goes the other way. That is that the Appellant has produced the videos, and these are broadly supportive of her claim that she saw Etelaat kill a man and take another man away. Country background reports confirm that there was a state crackdown on perceived supporters/members of MEK in that area at the relevant time. This is all arguably supportive of the Appellant's case overall, and her credibility as a witness. The last point is this, and I return to it below: it is an unchallenged aspect of this case that the Appellant has never been involved in politics in Iran, and until she left her husband behind was a housewife in Ahwaz, a relatively small city in Southwestern Iran.

Religious Belief

12. When the Appellant claimed asylum on the 8th November 2018 she asserted that she had recently converted to Christianity. When subsequently interviewed in detail about her claim, in February 2019, her evidence was recorded at Q16 of the record that she was a "non-believer". Following that interview the Appellant's representatives wrote, on the 28th February 2019, to correct that record: the Appellant was not claiming that she did not believe in god, just asserting that she did not follow any particular religion. Although she was born Muslim she has never really practised. The claim to be interested in Christianity was however foreshadowed in that substantive asylum interview: at Q130 and Q131 the Appellant is asked who the person who accompanied her to the interview was, and she explained that it was a friend that she had met at church. She told the interviewing officer that she did not go to church regularly,

but that she is supported by people in her hostel who attend church, and that when she goes there she feels calmer.

13. The first time that the Appellant has articulated a claim to have converted to Christianity was in her statement dated 5th December 2019. She also gave oral evidence before me to the following effect.
14. She was placed in a hostel in Liverpool after her arrival in 2018. In answer to my questions at hearing she explained that she was really afraid and alone at this time. She had never been away from her husband or family, spoke no English at all and was really scared about what might happen to her. She cried a lot. Some of the other people living in the hostel invited her to attend church with them. She went a couple of times and received a welcome and support there. After some time she was moved to accommodation in Blackburn. There were no Iranians there and she felt really lonely. She was added to a 'Telegram' message group of Iranians in Manchester and saw on there that a lady who was training as a hairdresser was looking to find volunteer models to get their hair cut. The Appellant needed hers doing so she called and arranged to meet the lady. Whilst there the Appellant met another woman who had volunteered to be a model. Her name was Rezvan and she and the Appellant subsequently became friends. Rezvan started talking to the Appellant about Christianity and over a period introduced her to the idea of coming to church with her. Rezvan gave the Appellant material to read and joined her to Christian Farsi-language social media groups. The Appellant describes how stressed she had been prior to meeting Rezvan and what a comfort she was to her. The Appellant started to regularly attend the church in Stockport after this. She described in her oral evidence how the atmosphere there "overwhelmed" her: she found the music, the people and the atmosphere immediately soothing.
15. It is appropriate to here segue into the evidence given by the Reverend Stephen Hough. Stephen Hough has been an ordained Baptist minister for over 12 years. He told me that at Stockport Baptist he presently ministers to a congregation of approximately 60 people, of whom 10 are Iranians. He is assisted by an Associate Minister, and importantly for the Farsi speakers in his congregation, a "very good" interpreter called Ben. Ben has been a longstanding member of the Church and is himself a convert to Christianity from Islam. Reverend Hough gave the following detailed and cogent evidence about his belief in the Appellant's faith.
16. Reverend Hough was frank about the difficulties that can present themselves when people seeking asylum attend the church. He accepted without hesitation that people can have an ulterior motive for doing so without truly having any faith or even interest. There are Iranians who have attended in the past who have continued to maintain contact after they move away from the North West, sometimes even visiting, but there are many others who don't. It is for this reason that a couple of years ago he and his Associate Minister, supported by

Ben, took the decision that they would not baptise people, or support them in their asylum appeals, until they were “convinced” about their sincerity. There is no means of undertaking such an assessment set out in scripture. They are doing the best that they can. As a minimum, the individual concerned must have attended the church, and engaged on a meaningful basis, for at least 6 months. He points out that when he was asked, in January 2020, to attend a hearing in the Appellant’s case he refused to do so, because he simply had not known her long enough. The decision to offer support is ultimately his, but he will always consult with 4-5 other congregants who know the individual concerned.

17. As to what “meaningful” means Reverend Hough contrasted the engagement of the Appellant, who attends services, bible study classes and voluntary activities without fail, and who asks pertinent and probing questions, with the behaviour of another Iranian who currently takes part on an ad hoc basis, appears detached and expresses no curiosity about anything. She has continued to attend virtual services all through lockdown and as soon as the Church reopened was back, even though it is a long way for her to travel from Blackburn. She has evangelised other Iranians and even encouraged other members of her family, still in Iran, to join in online. One of her cousins now attends services on a regular basis in this way.
18. As far as baptism is concerned the individual must also undertake a 5 week course on the meaning and point of baptism. They must be seen to engage and fully comprehend the gravity of that decision. The Appellant underwent that course and was in fact baptised on the 15th August 2021.
19. Outside of the formal confines of the course Reverend Hough also makes his own continual evaluation of the individual as a person, and the extent to which he thinks they have allowed the Holy Spirit to enter their lives. He recounts an event, also mentioned by the Appellant in her statement, of a service in which he used a bowl of sand to metaphorically represent the sins of the congregation. He invited participants up to hold handfuls of sand and let it run through their fingers, like the “sin slipping away from them”. He recalled that when the Appellant was invited to take her turn she first asked questions about what it all meant; once she picked up her first handful of sand she could be seen to be visibly moved and was shaking; as the sand fell from her fingers, and he prayed over her, she started to cry. She came to see him after the service and told him that she had been “overcome by a feeling that she had never felt in her life”. He told her that this was consistent with the Holy Spirit having entered her life, and that he had also experienced a similar thing as a younger man. In this, and in his other interactions with the Appellant, Reverend Hough increasingly came to the view that she was entirely genuine in her belief and practice of Christianity.

20. The final element of the assessment conducted by Stockport Baptist Church is far more prosaic: they just ask the interpreter Ben what he thinks. Reverend Hough places a considerable amount of weight on what Ben thinks about an attendee's sincerity: he has never been wrong. There have been numerous individuals looking for the support of the church who have been turned down, all or in part because Ben still has questions about their sincerity. As he is able to converse with people in Farsi, and understands the cultural context, he is obviously well placed to make such an evaluation.
21. I have taken all of that evidence into account, and weighed it in the round with the matters summarised at my §11 above. I acknowledge that there is a possibility that the Appellant is lying, and that her conversion to Christianity is nothing more than a ploy to gain asylum. Applying the lower standard of proof I am however satisfied that this is not the case.
22. First, I place a good deal of weight on the considered, and persuasive, evidence of Reverend Hough. As a *Dorodian* witness (as we have come to understand the term) he was exemplary. He was thoughtful and realistic in his understanding of why Iranians, hitherto Muslims, might be arriving at his church and expressing an interest in the Christian faith. He was under no illusions that some of these people will have cynical motivations and may be exploiting the goodwill of the Christians they meet. That is why he, and other figures at Stockport Baptist, go the lengths that they do to ensure that they only support people who have "convinced" them of their faith. Reverend Hough identified five stages of that process. First, there must be a minimum of 6 months' attendance. Second, that attendance must be meaningful, that is to say that the individual concerned is engaged with the services and classes they attend. Third, he makes his own evaluation of that person through regular conversation and observation. Fourth, the individual concerned must 'pass' the baptism course - not in the sense of sitting an exam, but again through engaged attendance. Finally the views of other congregants, and in particular the Farsi interpreter Ben, are sought. As summarised above, Reverend Hough was able to speak in detail about the Appellant's performance on each of these metrics. I accept that he truly believes her to be an active and practising Christian who seeks to evangelise others. I place a good deal of weight on his assessment.
23. Second, there was nothing in the evidence pointing the other way. This is not an asylum seeker who, having failed in another claim, has belatedly discovered a faith in Jesus. As Mr McVeety acknowledged, the Appellant's ambivalence towards Islam, and interest in Christianity, has been a feature of her case from the outset. Nor can it be said that the Appellant has behaved in a manner contradictory to her claim to be a Christian. Importantly, for my assessment, the Appellant was able to give a cogent and logical explanation of why she felt drawn towards the church. Before she left Iran she had been a housewife from a nominally Muslim, but largely secular, family. She had no interest or involvement in politics or Islam. She had never been apart from her family. I

accept that when she arrived in the UK in 2018 it must have been a very challenging and difficult experience for her. I have no reason to doubt her evidence that she felt lonely and scared, and that she cried all the time. Thus when she did meet other Iranians, such as Rezvan, and was embraced by an accepting and supportive community in the shape of the Stockport Baptist congregation, it was natural that she would feel comfort and be drawn towards that group. She spoke sincerely and movingly about her experiences at church.

24. Against all of that positive evidence I weigh the fact that the Appellant has not to date proven her original asylum claim to the lower standard. I further take into account that obviously she has something to gain by saying that she is a Christian. I am however satisfied that the evidence overall is sufficient to discharge the burden of proof. I accept that she is a Christian who has been regularly attending Church in the UK for approximately 2 years and that she has evangelised others including members of her family in Iran. Applying the guidance in PS (Iran) these facts would place her at a real risk of persecution in Iran.
25. In accordance with the agreement of the parties I make no findings on the claim as it was originally put.

Decisions

26. The appeal is allowed on protection and human rights grounds.
27. I maintain the order for anonymity imposed by Judge Reeds.



Upper Tribunal Judge Bruce
14th September 2021