



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM
CHAMBER

Case No: UI-2022-003813
First-tier Tribunal Nos:
PA/51760/2020
IA/00246/2021

THE IMMIGRATION ACTS

Decision & Reasons Issued:
On the 22 March 2023

Before

UPPER TRIBUNAL JUDGE PERKINS

Between

G N
(ANONYMITY ORDER MADE)

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms E Stewart King, Counsel, instructed by Elder Rahimi Solicitors

For the Respondent: Mrs A Nolan, Senior Home Office Presenting Officer

Heard at Field House on 11 January 2023

Order Regarding Anonymity

Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, the appellant is granted anonymity.

No-one shall publish or reveal any information, including the name or address of the appellant, likely to lead members of the public to identify the appellant. Failure to comply with this order could amount to a contempt of court.

I make this order because the appellant seeks international protection and so is entitled to privacy.

DECISION AND REASONS

1. This is an appeal by a citizen of Iran against the decision of the First-tier Tribunal dismissing his appeal against the decision of the Secretary of State refusing him international protection. For the purposes of explanation of this decision, the appellant identifies as a convert to evangelical Christianity but the respondent, and in due course the First-tier Tribunal Judge, did not believe him.
2. I have found this decision somewhat less straightforward than a quick perusal of my decision might appear. Although I have come to the conclusion that the judge ultimately did err by taking points that simply should not have been taken, it would be wrong if this finding gave this impression that the case was all one way and decided without care by the First-tier Tribunal Judge because that is not what happened.
3. I do not wish to influence the future decision maker and therefore see no point in drawing attention to parts of the Decision and Reasons that I do find to be satisfactory. They are not binding and it is not helpful for me to illuminate them. The judge deciding the case again will make up his or her own mind.
4. I remind myself that credibility findings are necessarily an “in the round” exercise and it is always very difficult when bad points are taken to be confident that they were not the main or at least a very important part of the judge’s reasoning.
5. The judge has taken one particularly bad point. It is the appellant’s case that he worships at an Anglian Church in North London attended by a significant number of Turkish people.
6. The judge said at paragraph 71 that the appellant claimed that he attends a Turkish speaking church in North London. The judge could not understand how the appellant managed to communicate with others there and take part in a service.
7. The point was not raised with the appellant and there is a very obvious answer. The appellant identifies as Azeri and I would have expected the First-tier Tribunal to know that Azeris first language that is very similar to Turkish and that Azeris, generally, understood Turkish.
8. When completing his Preliminary Information Questionnaire the appellant indicated at 1.10 and 1.11 that his main language was “Azari-North” but he spoke “Farsi, some English, some Turkish”.
9. The appellant was interviewed in Farsi. When the appellant was compiling his information questionnaire he indicated then that he would prefer to be interviewed in Azeri, although he spoke Farsi. He also indicated in answer to 32 at his interview: “I speak Azeri (Iranian), Farsi and also know Turkish as well.”
10. The findings at paragraph 71 are, I find, unsustainable.
11. Further, although the judge was entitled to find that the appellant’s understanding of Islam was unsophisticated (the appellant admitted as much and illustrated it by being unable to give any deep explanation of the different belief

systems of the Shi and Sunni Muslims) Paragraphs 61 and 62 of the Decision and Reasons trouble me. They state:

“61. A man who has shown no interest in the religion of his forefathers and of the majority of the population of his home country, to claim that he has developed a love of a different religion does require some persuasion.

62. I find it difficult to understand his claimed ‘antipathy’ towards Islam after witnessing the stoning of a woman and two executions. This is because if the appellant had no interest in the religion of Islam to start with, then how then could he possibly develop any hostility to it?”

12. With respect, I just do not follow the First-tier Tribunal Judge on this. I do not see why a lack of interest in the religion in the country in which he grew up is in any way inconsistent with him later developing a “love of a different religion”. He says it is something that happened in his life and I see no reason to reject that claim per se.
13. Neither do I understand why the claimed antipathy towards Islam that arose after watching a woman being stoned to death and later watching two other people being executed is inconsistent with his developing any hostility to Islam. He never claimed to be a strong or devout Muslim. I do not understand how his being appalled at a stoning and two executions is some reason to think that he could not possibly develop a hostility towards Islam. These things just do not follow.
14. There are other points that could be made but I have done enough. Taken as a whole, this Decision and Reasons is fundamentally flawed and the case has to be heard again.
15. I make the comment now, as I did in the hearing, that I have had an opportunity of pursuing the papers. The “baptism certificate” shows that the appellant was “baptised into the Lord Jesus on 5th October 2021”. I am surprised to see *Christian* baptism being expressed in that way rather than it being recorded that the appellant was baptised in the name of the father and the son and the holy spirit. The certificate is headed “Carelinks Ministries”. That is not a religious organisation with which I am familiar. I know I expressed a view about the baptism certificate at the hearing. On reflection I am not satisfied that I was right. I say no more about it except to indicate to the parties that if they wish to take any point about the nature of the baptism they should research it themselves and provide the appropriate evidence. Any misunderstanding I may have had about that is irrelevant to the decision that I had to make.
16. In all the circumstances I find that the First-tier Tribunal erred in law and I set aside its decision. The appeal has to be heard again in the First-tier Tribunal.

Notice of Decision

17. The First-tier Tribunal erred in law. I set aside the decision and direct that the appeal be reheard in the First-tier Tribunal. No findings are preserved.

Case No: UI-2022-003813
First-tier Tribunal Nos: PA/51760/2020

Jonathan Perkins

Judge of the Upper Tribunal
Immigration and Asylum Chamber

10 February 2023