



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM
CHAMBER

Case No: UI-2022-003033
First-tier Tribunal No: PA/54678/2021
IA/14168/2021

THE IMMIGRATION ACTS

Decision & Reasons Issued:
On the 21 March 2023

Before

UPPER TRIBUNAL JUDGE HANSON
DEPUTY UPPER TRIBUNAL JUDGE ROBERTSON

Between

E K
(ANONYMITY ORDER MADE)

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr K Gayle, instructed by Elder Rahimi, Solicitors.
For the Respondent: Mr Gazge, a Senior Home Office Presenting Officer.

Heard at Birmingham Civil Justice Centre on 24 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.

DECISION AND REASONS

1. The appellant appeals with permission a decision of First-tier Tribunal Judge Parkes ('the Judge'), promulgated following a hearing at Birmingham on 17 May 2022, which the Judge dismissed the appellant's appeal against the rejection of her claim for international protection and/or leave to remain in the United Kingdom and any other basis.
2. The appellant, a citizen of Iran born on 10 June 1988, claimed she faced a real risk on return to Iran as a Christian convert.
3. The Judge's findings are set out from [20] of the decision under challenge.
4. The appellant relies on five grounds of appeal although it is only the first three that are relevant to this decision.
5. Ground 1 asserts, inter alia, the Judge made materially flawed adverse credibility findings at [20] which the grounds assert "betrays a fatal misunderstanding of the appellant's evidence". The Judge had found in that paragraph that the appellant carrying a baptism certificate in her bag back into Iran given that she was re-entering after previous adverse interest in her which was said to have been "bought off" with a bribe was difficult to understand. The grounds assert that contrary to the Judge's assertion, when the appellant took her baptism certificate back to Iran she was not of interest to the authorities. The appellant was baptised in the UK on 2 November 2017 and returned to Iran for a short holiday in March 2018 when she took her baptism certificate with her. It was after she left Iran to continue her studies that her uncle's home, where the certificate had been left, was raided by the authorities. When the appellant re-entered Iran in January 2019 she did not have a baptism certificate with her and, as a result of the bribe, claimed not to be of interest to the authorities. The Ground asserts the Judge's finding is therefore based upon a complete misunderstanding of the chronology in the appellant's evidence.
6. Ground 2 asserts a materially flawed analysis of the appellant's apostasy. At [23 - 25] the Judge found the appellant failed to show she is a genuine convert to Christianity. The grounds refer to the Secretary of State accepting the baptism in November 2017 was genuine and refers to two letters being provided by Father Mark Brentnall of the named church in Alvaston, Derby. The grounds take issue with the Judge's findings that the evidence from Father Brentnall did not satisfy the Dorodian Guidelines.
7. Ground 3 asserts the Judge made a materially flawed analysis of the verdict relating to proceedings in Iran which the appellant asserts shows a fatal misunderstanding of her case. The grounds refer to the finding of the Judge that the investigation against the appellant began in April 2018 and the raid took place in August 2018 after the appellant said she was being sought in March 2018, whereas it is argued the appellant never said she was being sought in March 2018.
8. Permission to appeal was granted by another judge of the First-tier Tribunal on 28 June 2022.
9. There was no Rule 24 response and so at the outset of the appeal we asked Mr Gazge what the Secretary of State's position was in relation to the appeal. His reply was to advise the Tribunal that the appeal was conceded, and the errors set out in the grounds seeking permission to appeal and the grant of permission to appeal are not contested.
10. In light of the concession no further submissions were sought from either party. It was accepted the determination should be set aside with no preserved findings, in light of the concession the Judge misunderstood material aspects of the evidence, and the appeal remitted to the First-tier Tribunal sitting at Birmingham to be heard afresh by a judge other than Judge Parkes.

Notice of Decision

11. We set the decision of the Judge aside. The appeal shall be remitted to the First-tier Tribunal sitting at Birmingham to be heard afresh by a judge other than Judge Parkes.

C J Hanson

Judge of the Upper Tribunal
Immigration and Asylum Chamber