



**Upper Tribunal  
(Immigration and Asylum Chamber)      Appeal Number: AA/06137/2014**

**THE IMMIGRATION ACTS**

**Heard at Bennett House, Stoke  
On 26 August 2015**

**Determination Promulgated  
On 7 September 2015**

**Before**

**UPPER TRIBUNAL JUDGE PLIMMER**

**Between**

**AR  
ANONYMITY DIRECTION MADE**

Appellant

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Ms Pennington (Counsel)

For the Respondent: Mr McVeety (Senior Home Office Presenting Officer)

**DECISION AND DIRECTIONS**

*Pursuant to Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 I make an anonymity order. Unless the Tribunal or a Court directs otherwise, no report of these proceedings or any form of publication thereof shall directly or indirectly identify the original appellant. This direction applies to, amongst others, all parties. Any failure to comply with this direction could give rise to contempt of court proceedings.*

1. The appellant is a citizen of Iran. I have anonymised this decision

because it refers to a claim for asylum.

### **Procedural history**

2. In a decision dated 12 January 2015 First-tier Tribunal Judge Mathews dismissed the appellant's appeal on asylum and human rights grounds. The Judge wholly rejected the appellant's claim that he converted to Christianity in Iran and for reasons relating to this suffered difficulties whilst there. There was another linked aspect to the appellant's claim i.e. that since arriving in the UK on 18 February 2014 he had become baptised and was a fully practising and genuine convert to the Christian faith. The appellant relied upon supporting evidence from members of his Church including two individuals who attended to give evidence on his behalf. The Judge rejected this aspect of his claim as well and dismissed the appeal.
3. The appellant appealed against this decision arguing, *inter alia* that the Judge's rejection of the appellant's Christianity in the UK was not adequately reasoned. In a decision dated 11 May 2015 Judge Reeds granted permission to appeal on this basis.
4. The matter now comes before me to decide whether the decision contains an error of law.

### **Hearing**

5. Ms Pennington repeated the points made in the grounds but focused upon the lack of adequate reasons provided for the Judge's conclusion that the appellant is not a genuine practising Christian in the UK. I then heard from Mr McVeety who asked me to find that the Judge was entitled to reject the genuineness of the appellant's activities in the UK because he rejected and gave full reasons for his rejection of the appellant's conversion in Iran.
6. After hearing Mr McVeety in full I indicated that I was satisfied that the Judge failed to give adequate reasons for rejecting the appellant's claim to be a genuine Christian in The UK. Ms Pennington confirmed that it was accepted that the findings regarding what took place in Iran were unchallenged and in the premises she did not object to these findings being preserved. Both representatives then agreed to the directions I set out below.

### **Findings**

7. As Mr McVeety accepted, the question before me is whether or not the Judge provided sufficient reasoning for his conclusion that the appellant is not a genuine practicing Christian. I accept that the reasons need not be elaborate, and need not deal with every argument presented or piece of evidence relied upon.
8. Judge Mathews provided comprehensive reasons for rejecting the

appellant's claimed conversion to Christianity in Iran [17-25]. I accept Mr McVeety's submission that these findings are relevant to the appellant's claim to be a genuine Christian whilst in the UK, and the Judge was entitled to take this into account when making findings regarding Christianity in the UK [29]. I also accept that the Judge was plainly aware of and directed himself to the supporting evidence from members of the appellant's Church [26]. This evidence was not just limited to the appellant's Church attendance but also their opinion after observing him closely for an extended period of time that the appellant was genuinely committed to Christianity. The Judge was of course not obliged to accept their views but in my judgment in the circumstances of this particular case the Judge was obliged to provide reasons why he did not accept those views to be well-founded.

9. In these circumstances I invited Mr McVeety to outline where in the decision the Judge has given reasons for rejecting the appellant's claim, as supported by witnesses, that he was a genuine practicing Christian in the UK [29]. Mr McVeety accepted that the only discernible reason was the Judge's overall rejecting of credibility particularly in relation to the events in Iran. The difficulty with this submission is that the Judge was prepared to accept certain parts of the appellant's evidence as supported by witnesses including his claim to have attended Church and to have undergone a service of baptism [26]. In addition it was entirely possible for the Judge to reject what happened in Iran but nonetheless accept that the appellant is nonetheless a genuine Christian. The findings as to what happened in Iran are relevant but not determinative. Where a Judge is prepared to accept a significant aspect of an appellant's claim, as here, it is incumbent upon him to explain why he did not accept another significant aspect. Those reasons need not be detailed but reasons must be provided. It may be that the Judge did not consider that the witnesses had taken into account the appellant's false claim to conversion in Iran or had not sufficiently tested the appellant's commitment in light of this or were not in a sufficient position of leadership to offer an informed view. There may be many more possible reasons. The difficulty is that no reason was provided for not accepting the witnesses' evidence that the appellant was genuine yet accepting their evidence that he attended Church. In my view it is not sufficient for the Judge to reject the evidence provided by independent witnesses on the basis of his rejection of what the appellant claimed happened in Iran. In failing to give adequate reasons for this discrete part of the appellant's case the Judge has erred in law.

### **Remittal**

10. In my view the fair and proportionate way in which to deal with this case having regard to para 7.2 of the relevant *Senior President's Practice Statements* and given the nature and extent of the factual findings to be made is to remit the matter for a hearing on a limited

basis in the First-tier Tribunal. The Judge's findings regarding the appellant's claim to have converted in Iran and the consequences shall be preserved. The First-tier Tribunal shall however re-make a decision on the genuineness of the appellant's conversion to Christianity in the UK in light of the preserved findings, and the likely consequences of this for the appellant in Iran.

### **Decision**

11. The decision of the First-tier Tribunal contains an error of law and is set aside.
12. The appeal is remitted to the First-tier Tribunal for a decision to be re-made on the limited basis set out at para 10.

### **Directions**

- (1) The matter shall be listed for the first available date before the First-tier Tribunal. TE: 2 hrs. Farsi interpreter required. The issues to be determined are set out in para 10 above.
- (2) The appellant shall file and serve a comprehensive indexed and paginated bundle of all relevant documents to the issue to be re-made and any witness statements relied upon before 1 October 2015.
- (3) The SSHD shall set out any updated position before 1 November 2015.

Signed:

Ms M. Plimmer  
Judge of the Upper Tribunal

Date: 27 August 2015