



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

Appeal Number: PA/01969/2016

THE IMMIGRATION ACTS

**Heard at Columbus House, Decision & Reasons Promulgated
Newport On 25 September 2017 On 27 September 2017**

Before

DEPUTY UPPER TRIBUNAL JUDGE CHAMBERLAIN

Between

**HV
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr. S. Vokes, Counsel instructed by Migrant Legal Project
For the Respondent: Mr. K. Hibbs, Home Office Presenting Officer

DECISION AND REASONS

1. This is an appeal by the Appellant against the decision of First-tier Tribunal Judge Dhaliwal, promulgated on 14 October 2016, in which he dismissed the Appellant's appeal against the Respondent's decision to refuse to grant asylum.
2. As this is an asylum appeal, I make an anonymity direction.

3. Permission to appeal was granted as follows:

“The grounds argue with merit that the judge materially erred in law in his assessment of risk on return to Iran for the appellant, whom he had accepted was a Christian convert.”

The hearing

4. The Appellant attended the hearing. Mr. Hibbs accepted at the outset of the hearing that the decision involved the making of a material error of law. He accepted that the decision should be set aside, and remade, allowing the Appellant’s appeal. He said that he had only received the file late on Friday and, had he had more time, he would have contacted the Appellant’s representatives in advance.

Error of law decision

5. There has been no cross appeal to the findings of fact made by the judge. The judge found the Appellant to be a Christian convert. However he found, despite this, that the Appellant would not be at risk on return to Iran.

6. Mr. Hibbs referred me to the Country Information and Guidance, Iran: Christians and Christian Converts, December 2015, found at E13 of the Appellant’s appeal bundle which was before the First-tier Tribunal. In particular he referred to paragraph 3.1.4 (E18). This states:

“The right of Muslims to change their religion is not recognised under Sharia law. The religious conversion of Muslims is illegal in Iran. Christians who have converted from Islam are at real risk of persecution in Iran, and a grant of asylum is likely to be appropriate.”

7. This paragraph reflects the guidance set out at paragraph 2.2.2 (E16).
8. Mr. Hibbs conceded therefore that, having found that the Appellant was a Christian convert, which finding had not been challenged by the Respondent, the judge should have found that he would be at risk on return.
9. I find, adopting the unchallenged findings of the First-tier Tribunal, that the Appellant is a Christian convert. I find that the Respondent’s guidance, which was before the First-tier Tribunal, indicates that there is a risk on return to Iran for Christian converts. I therefore find that the decision involves the making of a material error of law for failure to take into account this material evidence.

Notice of Decision

10. The appeal is allowed. The decision involves the making of a material error of law and I set the decision aside.
11. I remake the decision allowing the Appellant's appeal on asylum grounds.

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 his 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 25 September 2017

Deputy Upper Tribunal Judge Chamberlain

TO THE RESPONDENT
FEE AWARD

No fee was payable and so there can be no fee award.

Signed

Date 25 September 2017

Deputy Upper Tribunal Judge Chamberlain