



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: PA/02420/2019

**THE IMMIGRATION ACTS**

Heard at Field House  
On 30 August 2019

Decision & Reasons Promulgated  
On 17 September 2019

Before

UPPER TRIBUNAL JUDGE ALLEN

Between

MR B A  
(ANONYMITY DIRECTION MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

**Representation:**

For the Appellant: Mr K Gayle, Elder Rahimi Solicitors (London)

For the Respondent: Ms A Everett, Home Office Presenting Officer

**DECISION AND REASONS**

1. This is the appeal of Mr Azizi against the Secretary of State's decision of 28 February 2019 refusing his claim for asylum and refusing on humanitarian protection and human right grounds also.
2. In essence, his claim is that he became interested in Christianity and perhaps to the point of conversion while in Iran and perhaps that is largely academic because the judge, though she did not accept that he converted while in Iran, did accept that he converted to Christianity while in the United Kingdom and that can be seen from her

paragraph 21, but she considered that he would not face a risk on return because he was no more than an ordinary convert who would not undertake active evangelism in Iran and was not satisfied that active evangelising was part of his identity and, as a consequence, concluded he was not at risk.

3. The main point in the challenge in the grounds and as developed by Mr Gayle today concerns the failure by the judge to follow the guidance of the Supreme Court in HJ (Iran) [2010] UKSC 31 where it was concluded that though a person whose practice was to be discreet about, in this context, the manifestation of their faith might, as a consequence, not face risk on return to the country of origin if they would simply continue to be discreet. The judge simply did not address this issue in this case and that must amount to an error of law in her decision. She really only took into account what had been said in the Upper Tribunal in HJ (Iran) rather than focusing on what was said by the Supreme Court and there is a clear error of law therefore in the failure to give consideration to this point. It is, I think, in the end common ground that as a consequence partly of that and also because of the evidence of the conversion of the appellant, the fact that he had carried out some degree of evangelical activity, though the judge did not think there was very much of it but there was some and he could not be expected to lie on return to Iran so he is a genuine convert and the evidence I think is sufficient to show that it is not a case where he is somebody who is accustomed to being discreet in the manifestation of his faith in light of his experiences in the United Kingdom and could not be expected, as a consequence, to continue a discreet exercise of his faith on return to Iran.
4. So, as a consequence, it seems appropriate in the circumstances by agreement without the need for any further specific findings on the point to conclude that the claim under the Refugee Convention is made out and therefore his appeal against this decision is allowed.

### **Notice of Decision**

The appeal is allowed.

### **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 4 September 2019

Upper Tribunal Judge Allen