



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: PA/12062/2017

**THE IMMIGRATION ACTS**

Heard at Field House  
On 28 March 2018

Decision & Reasons Promulgated  
On 18 May 2018

Before

DEPUTY UPPER TRIBUNAL JUDGE I A M MURRAY

Between

HKHA  
(ANONYMITY DIRECTION MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

**Representation:**

For the Appellant: Mr Hodson, Counsel for Elder Rehimi Solicitors, London  
For the Respondent: Ms Holmes, Home Office Presenting Officer

**DECISION AND REASONS**

1. The appellant is a citizen of Iran born on 7 February 1986. He appeals the decision of the respondent made on 9 November 2017 refusing his protection and human rights claims. His appeal was heard by Judge of the First-Tier Tribunal Real on 19 December 2017 and was dismissed on all grounds in a decision promulgated on 2 January 2018.
2. An application for permission to appeal was made and permission was granted by Judge of the First-Tier Tribunal Hodgkinson on 31 January 2018. The grounds argue that the Judge erred in concluding that the appellant was not a genuine Christian convert because of the timing of the claimed conversion and the overall lack of supporting evidence. They argue that the judge failed to give necessary weight to the fact that the appellant had been a regular church attender for five years, failed completely to engage with the appellant's detailed statement evidence as to what

brought about his conversion, failed to give appropriate weight to the appellant's indication in his earlier appeal that he had shown an interest in Christianity while in Iran, arising from his relationship with an Armenian Christian girl and wrongly and speculatively required corroborative evidence whilst indicating that such was not required.

3. There is no Rule 24 response.

### **The Hearing**

4. I asked if anything could be agreed and the Presenting Officer submitted that the First-Tier Tribunal Judge has taken a superficial view of the evidence and has not properly analysed it.
5. Counsel for the appellant referred to the grounds of appeal and submitted that the First-Tier Tribunal Judge did not take proper consideration of the appellant's evidence and the fact that he has been attending church since 2013. He submitted that her finding on the appellant's lack of faith is perverse based on the evidence before her and the fact that the appellant had a brush with Christianity in Iran which was accepted by the Judge.
6. He submitted that the appellant's evidence before the Judge was consistent. This is an appellant who has had a long term interest in Christianity since before 2013. Counsel referred to the appellant's previous asylum application in December 2011 in which he mentioned he had been detained for one week in Iran for questioning about his interest in Christianity. The appellant at that time had stated that his claim was not based on this so it was not considered. At that point the appellant had said that he was interested in Christianity but had not converted. Counsel submitted that the First-Tier Tribunal Judge should have incorporated this into her decision along with the fact that the appellant's family has turned against him.
7. He submitted that the First-Tier Tribunal Judge did not engage with the evidence and that although the Judge does not require to accept the evidence and submissions made on behalf of the appellant she does require to consider these. He submitted that when the decision was made the appellant was attending church in London at the Chiswick Iranian Fellowship and much of the evidence before the Judge was not taken into account when she made her decision.
8. The Presenting Officer submitted that her decision is superficial. The Judge did not grapple with what was before her and she stated that she had no objection to this matter being remitted to the First-Tier Tribunal.

### **Decision and Reasons**

9. I have carefully considered the First-Tier Tribunal Judge's decision and have to accept the fact that it is superficial. The Judge referred to the relevant case law and appears to have dismissed the appeal because of an overall lack of supporting evidence. She

has not given proper weight to the fact that the appellant has been going to church for five years and she failed to deal with what brought about his conversion. There is also the mention of corroborating evidence which of course is not required.

10. I find that there are material errors of law in the First-Tier Tribunal Judge's decision.

**Notice of Decision**

I direct that the decision of the First-Tier Tribunal is set aside. None of its findings are to stand other than as a record of what was said on that occasion. It is appropriate in terms of Section 12(2)(b)(i) of the 2007 Act and of Practice Statement 7.2 to remit the case to the First-Tier Tribunal for an entirely fresh hearing.

The members of the First-Tier Tribunal chosen to consider the case are not to include Judge Real.

Anonymity has been directed.

Signed

Date

Deputy Upper Tribunal Judge Murray