



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

Appeal Number: PA/09797/2016

THE IMMIGRATION ACTS

**Heard at Glasgow
On 12 December 2019
Decision given orally**

**Decision & Reasons Promulgated
On 31 December 2019**

Before

UPPER TRIBUNAL JUDGE DAWSON

Between

**ER
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr T Haddow, Latta & Co Solicitors

For the Respondent: Mr A Govan senior presenting officer,

DECISION AND REASONS

1. I make an order for anonymity pursuant to Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 prohibiting disclosure of any matter that may lead to the identification of the appellant and other parties to these proceedings. Any breach may lead to contempt proceedings.
2. This appeal comes before me by way of remittal from the Court of Session pursuant a Joint Minute of the parties, whereby the Court of Session has

remitted the case to the Upper Tribunal for a further decision in the appeal by the appellant, a citizen of Pakistan, against the Secretary of State's decision dated 26 August 2016 refusing the claim based on the appellant's fear that he would be ill-treated if returned to Iran owing to his conversion to Christianity from Islam, the faith into which he was born.

3. The appellant's claim is based on activities in Iran prior to arrival in the United Kingdom where he stopped attending the mosque in 2013/14. The appellant became acquainted with Christianity through a childhood friend, [H]. The appellant became aware of [H]'s Christianity in 2015. They and a third individual called [S], met during the summer of 2015 when they talked about the differences between Christianity and Islam and thus the appellant's conversion to the former began.
4. A wooden hut located in the appellant's family's orchard was chosen as an area where they would have discussions about Christianity every Sunday. After some eight to ten meetings in this location the appellant took his mother to the hospital in a neighbouring city where he stayed overnight in his aunt's house. Whilst there he received a telephone call from his maternal uncle in December 2015 stating that the orchard hut had been raided as was his family home during which the appellant's belongings and his laptop were taken. The appellant remained in the neighbouring city (Mahabad) until arrangements were put in place for him to leave Iran. This was by lorry on 22 December 2015. The appellant was fingerprinted in Greece on 25 December although not detained. Under the control of agents the appellant arrived clandestinely in the United Kingdom on 4 March 2016 and claimed asylum the same day.
5. The Secretary of State questioned the appellant about his claim on 16 August 2016 and rejected the account of conversion in Iran in its entirety.
6. In the light of the direction pursuant to the Joint Minute setting aside the decision of First-tier Tribunal Judge Hands it is unnecessary to dwell on any aspect of that decision except to note that the evidence before the Tribunal was of the appellant practising as a Christian in the United Kingdom at Easterhouse Baptist Church and the Tron Church and three witnesses, Alexander Waddell, Catherine (Katy) Swan and John Taylor gave evidence in support. Reverend Waddell is the Minister at Easterhouse Baptist Church, Katy Swan, who is also a member of Easterhouse Baptist Church, had started a Bible group for three Kurdish Iranians, and John Taylor is a member of the Tron Church. The appellant also relied on Facebook activity in respect of his faith.
7. Both parties understood the hearing before me to be for directions following the remittal by the Court of Session. That was not the case. After discussion both agreed that in the in the light of the time that has past since the case was before the FtT and having regard to the nature of the claim the better course would be for the case to be remitted to the FtT for a further decision by a differently constituted tribunal. I find error of law in the decision of the FtT as directed by the Court of Session and I

accede to the remittal of the appeal to the FtT in the light of the extant of fact finding required.

8. The Secretary of State is directed to serve on the other party a statement of its case within 21 days taking account of the evidence what was previously before the FtT. The remittal meanwhile takes effect.

NOTICE OF DECISION

Error of law has been found and the case is remitted to the First tier Tribunal.

Signed

Date 23 December 2019

UTJ Dawson

Upper Tribunal Judge Dawson