



**Upper Tribunal**

**(Immigration and Asylum Chamber)**

**Appeal Number: AA/07789/2015**

**THE IMMIGRATION ACTS**

**Heard at Manchester Piccadilly  
On 4 March 2016**

**Decision & Reasons Promulgated  
On 4 July 2016**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE BIRRELL**

**Between**

**ALI REZA NEAMATI**

**(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr J Nicholson instructed by Bolton CAB

For the Respondent: Mr G Harrison Senior Home Office Presenting Officer

**DECISION AND REASONS**

Introduction

1. I have considered whether any parties require the protection of an anonymity direction. No anonymity direction was made previously in respect of this Appellant. Having considered all the circumstances and evidence I do not consider it necessary to make an anonymity direction.
2. In order to avoid confusion, the parties are referred to as they were in the First-tier Tribunal.

3. This was an appeal by the Appellant against the decision of First-tier Tribunal Judge Heynes promulgated on 17 August 2015 which dismissed the Appellant's appeal against a refusal of asylum on all grounds.
4. In a decision dated 4 March 2015 I set aside the decision in so far as it related to the Appellants claimed conversion to Christianity and because there was no assessment of the Appellant's risk on return as a failed asylum seeker.
5. The matter was adjourned for those matters to be reheard before me with the Reverend Binns to give evidence again.

### **The Appellant's Case**

6. It was accepted by Mr Harrison that if I were to accept that the Appellant was a genuine convert to Christianity in the light of the most recent COI report on Christians and Christian Converts that such conversion alone would put the Appellant at risk.
7. The Appellant gave evidence before me. This can be summarised in this way:
  - (a) He adopted the contents of his witness statement at pages 2-4 of the bundle dated 2.6.2016.
  - (b) He had now been a Christian for 18 months and intended to continue as a Christian.

### **Cross Examination**

- (c) He confirmed that while he lived in Iran he had no interest in Christianity. His family were very religious Muslims and he had attended Mosque with his father up to the age of 17/18 and then he avoided attending as he had no interest in going as he had no deep feelings about the practise of Islam.
- (d) He confirmed that he was still in regular contact with his family. His father was very angry about his conversion to Islam but he had told his father that he had found the right path for him and was at peace.
- (e) He confirmed that converts were considered apostates in Iran and the punishment was death. He thinks his dad wants him dead but he would try and bring them along the path he had chosen.

- (f) He stated that the problem in Iran was that if born into a Muslim family you have to go along with it, it was compulsory. Christianity was different in that you were not made to be afraid of God.
  - (g) He was baptised on 26 June 2015. His life had changed as he had found the right path.
  - (h) In re-examination he confirmed that since he had become a Christian he looked at people differently: he stated that he had a different attitude to women in that now he viewed men and women as equal contrary to what was taught in Islam.
8. I then heard evidence from The Reverend Elizabeth Binns Vicar of St Thomas and St John with St Philip in Radcliffe. Her evidence can be summarised as follows:
- (a) She adopted the contents of her witness statement of 19 July 2015 and 9 June 2016.
  - (b) She was absolutely sure that the Appellant was a genuine convert to Christianity.
  - (c) She felt that from the beginning the Appellant was looking for something and she described the nature of his conversion as quite dramatic, reminiscent of her own. He was lit up with joy and even the Bishop remarked on it at his confirmation. She stated that he rarely missed Church, helped others in the Church. She had a large community of Iranian Christians in her Church. She felt he had a very clear understanding that God had called him and he was walking with Jesus.
  - (d) She had perceived changes in him since they first met noting that he had become more reflective about his faith and life. He wanted to be part of the community: she volunteered that he treated women differently and saw them as brothers and sisters. He felt able to hug and kiss them in Church and remarked that this would not be the norm for a Muslim with a female non family member.
  - (e) She accepted that his claim about the circumstances in which he left Iran had been rejected as untruthful but said it made no difference to her assessment

of the genuine nature of his conversion. She noted that everyone made mistakes and told lies but this did not impact on the depth of his faith or the genuineness of his conversion.

#### Cross Examination

- (f) She reaffirmed that everyone falls into sin and she believed his conversion was genuine. She knew how she had felt when she turned to faith and saw similarities in the Appellants response. She believed he was genuine.
- (g) Out of her congregation of approximately 120 people 25 were Iranians. More than half had been accepted as refugees and were still attending the Church. Two who had been relocated by the Respondent were still attending Church in their new home area.
- (h) Hers was a Church of England Church and they did not target converts but those who came were made very welcome.
- (i) When asked what checks and balances there were in the assessment of those who had converted she stated that such people were supported by a number of groups within the Church. There was discussion but no interrogation. She had when she felt it necessary advised those who were not ready for baptism to wait but had not felt that was necessary with the Appellant.
- (j) She confirmed that she had never been 'duped' by anyone claiming to have converted and she felt that she had never made a mistake regarding baptism.
- (k) She based her assessment on prayer, thinking and her confidence that God would let her know if she was wrong.

#### Findings

- 9. I have looked at the evidence in the round taking into account all of the evidence both oral and written whether I refer to it specifically or not.
- 10. The issue for me to determine is whether the Appellant has met the evidential burden of establishing that since his arrival in the UK he has converted to Christianity and that his conversion is genuine and not a device in order to be granted refugee status given that the Respondent accepts in the December 2015

that for an Iranian Muslim conversion to Christianity without more would put him at risk of persecution on return.

11. Any assessment of the genuine nature of his conversion cannot ignore the fact that he gave an account of the reasons why he fled from Iran which were rejected by the First -tier Tribunal and those findings stand. These findings that he has been untruthful weigh heavily upon me but I accept that even findings that he has been untruthful about why he left Iran do not inevitably mean that his conversion cannot be genuine: the Reverend Binns gave very persuasive evidence (and I will deal with her evidence in more detail later) about many of those who find faith being sinners or people who have reached a cross roads in their lives. I therefore keep those other findings in mind although I am satisfied that they are not determinative of the genuine nature of the Appellants claimed conversion since he arrived in the UK.
12. The Appellant has given a credible account of his disillusionment with the religion that he was born into, Islam, and the feeling of unhappiness with the fact that following the religion was compulsory.
13. I accept that the Appellant arrived in the UK on 1 November 2014 and very soon after he began attending Reverend Binns Church invited there he says by a friend Mr Esfandyari who found him upset and depressed and suggested that attending Church with him might help given that it had brought him comfort and support. Just as Reverend Binns asserts he found the congregation to be very welcoming and he describes finding 'kindness and calmness' there. I found this account to be credible.
14. Since November 2014 the Appellant has attended Church weekly and this culminated in his baptism on 28 June 2015 and his confirmation on 29 June 2015 by the Bishop of Bolton. His attendance has persisted and he attends the Pilgrim Course at St Marys Church in Radcliffe and other social events at St Phillips Community Centre in Radcliffe. There are a number of letters of support from members of the Church congregation in the bundle. I therefore find that he continues to be a regular church goer and is engaged in the Church community beyond Sunday attendance.

15. Therefore on the face of it the Appellant has done what he can to become a Christian. He has given a credible account of a long standing disillusionment with the faith he was born into and why therefore Christianity was of interest to him. He has also described ways in which he asserts he has changed for the better, an important indicator of genuine faith according to Reverend Binns, in that he feels he has a better relationship with a God he does not fear that has brought him a calm and certainty that he is on the right path. I found it persuasive that when asked by me whether his new faith made him behave or view people differently he stated that he now viewed women in a different light, as equals. Interestingly when asked the same question, whether she had noticed any change in the way he behaved that she considered attributable to his conversion Reverend Binns stated that he treated women differently and recognised that they were brothers and sisters and was able to participate in the kiss of peace in Church.
16. Central to my assessment of whether the Appellants conversion is genuine is of course the evidence of Reverend Binns as she is an expert witness as to the Christian religion and someone who has known the Appellant since November 2014 and seen how he behaved in Church and been privy to any views that others have formed of him. I found her to be an impressive and persuasive witness: thoughtful, articulate, prepared to make concessions. She has been an ordained priest for 11 years and was more recently appointed the Vicar of her Church. She has in my view considerable life experience in addition to her work within the Church and this was reflected in the way she gave her evidence.
17. Reverend Binns was absolutely clear that she believed the Appellant has genuinely found faith and become a committed Christian. It is her view that faith is not simply demonstrated by an ability to recite Bible knowledge although she accepts that the Appellant has taken part in Christian education courses but it is a 'far more demanding test of how we develop as a human being and how we demonstrate God's love in our lives.' It is her believe having observed and spoken to the Appellant over a regular period of time that that he has accepted that challenge and is demonstrating Christ's love in his life.
18. Reverend Binns as I have indicated above was quite clear that her absolute confidence in the genuine nature of the Appellants conversion was unaffected by

her knowledge that the Appellants account of events in Iran had been rejected. She asserted that sinners can become Christians, which must be true, and she gave a credible account of recognising in the Appellant the sort of sudden and crisis driven finding of faith that she had had herself gone through and she states that the reality is that most Christians truly find God when they feel that they have run out of options and when their life seems at the lowest point. She noted a joy in him that she attributed to his finding faith and stated that the Bishop of Bolton who carried out his confirmation recognised the same look in the Appellant and remarked upon it. These are observations relevant to the issue of genuine conversion from experienced people and I accept them as credible.

19. I note that the Reverend Binns was not someone who accepted people's desire to be baptised unhesitatingly and she confirmed that in the past she had told people that they were not ready. This in my view makes her evidence more persuasive. I also note that among her congregation of Iranian converts half have been granted asylum but none have abandoned the Church so her judgement of them has not been misconceived: indeed I note that the Appellants friend Mr Esfandyari's appeal against the refusal of asylum was allowed last July and he still attends Church together with the Appellant.
20. Taking the that evidence in the round, I therefore find, based on the lower standard of proof and even allowing for the findings made in respect of events in Iran, that the Appellant has proved those facts upon which he relies in relation to his conversion to Christianity.
21. Having made that finding I do not propose to address the issue of risk on return as a failed asylum seeker.

### **Conclusions on Asylum**

22. I find that the Appellant has discharged the burden of proof on him to show that he has a well-founded fear of persecution for a reason recognised by the Geneva Convention. Accordingly, the Appellant's removal would cause the UK to be in breach of its obligations under the Geneva Convention.

### **Conclusions on ECHR**

23. On the facts as established in this appeal, there are substantial grounds for believing that the Appellant's removal would result in treatment in breach of ECHR.

**Decision**

24. The appeal is allowed on asylum grounds.

25. The appeal is dismissed on humanitarian grounds

26. The appeal is allowed on human rights grounds.

27. No anonymity direction is made

Signed

Date 2.7.2016

Deputy Upper Tribunal Judge Birrell