



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: PA/02278/2017

THE IMMIGRATION ACTS

Heard at Manchester
On May 18, 2018

Decision & Reasons Promulgated
On May 24, 2018

Before

DEPUTY UPPER TRIBUNAL JUDGE ALIS

Between

AZAM [S]
(NO ANONYMITY DIRECTION MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms Johnrose, Legal Representative

For the Respondent: Mr Bates, Senior Home Office Presenting Officer

DECISION AND REASONS

1. I do not make an anonymity order.
2. The appellant is an Iranian national. She entered the United Kingdom clandestinely on or around September 20, 2016 and claimed asylum the following day. The respondent refused her protection claim on February 16, 2017 under paragraphs 336 and 339M/339F HC 395. The appellant lodged grounds of appeal on March 3, 2017 under Section 82(1) of the Nationality, Immigration and Asylum Act 2002. Her appeal came before Judge of the First-tier Tribunal Brookfield (hereinafter called "the

Judge”) on April 3, 2017 and in a decision promulgated on April 13, 2017 the Judge allowed the appeal on protection and human rights grounds. The respondent appealed this decision on April 27, 2017. Permission to appeal granted by Judge of the First-tier Tribunal Robertson who found it arguable the Judge erred in her approach to HJ (Iran) [2010] UKSC 10 and (b) by failing to give adequate reasons for finding she was a genuine Christian. This matter came before me on March 26, 2018 when I heard submissions from the representatives.

3. Having heard those submissions, I concluded:
 - (a) The Judge’s finding that the appellant was a genuine Christian convert who had been regularly attending church services in the United Kingdom was open to the Judge.
 - (b) The policy guidance made clear that Christian convert cases have to be assessed on a case-by-case basis. The fact the appellant had turned to Christianity did not necessarily mean she would follow that faith in Iran, if returned, because the Judge’s conclusion was she had only started her faith in this country. There had to be an assessment as to whether or not the appellant would follow her new religion in Iran and if she wanted to follow the religion what would happen to her. The Judge had not undertaken this assessment and there was therefore an error in law.
4. I directed the case be listed before myself and that these issues could be addressed at the resumed hearing.
5. At today’s hearing the appellant adopted her recent witness statement and gave oral evidence. She stated that she had now disclosed her religion to her two siblings who continued to live in Iran and whilst they were initially unhappy they now respected her choice. She explained that she had evangelised in the United Kingdom by approaching people and asking them whether they worshipped God and encouraged them to attend church.
6. The appellant accepted that none of the people she had approached had attended the hearing but she named two people whom she had evangelised to. One of them shared accommodation with her and the other was someone who attended English classes. She also stated that she had approached people in the park and spoken to them about Jesus Christ and she believed her minister was aware of her actions.
7. When asked how she would behave in Iran she stated that she would not turn away from Christianity because Jesus Christ had helped her a lot and gave her peace which her former religion did not. She stated that she would attend church and continue to wear the crucifix which she wore today.
8. Rev McEwan adopted a brief letter that he had provided. He was standing in for the current minister who was on a three-month sabbatical and had previously been the Minister of Bury Baptist Church until he retired in 2009. Whilst the present incumbent was away he dealt with pastoral matters as they arose.

9. In oral evidence he stated that his involvement with the appellant was mainly what he saw at services on a Sunday but he had seen her in English classes and noted that she often spoke of her faith during such classes. He was of the opinion that evangelising was a requirement of their religion and this meant speaking to people about Jesus Christ be that in the classroom, in public or at social events. He was unfamiliar with the two people she named but he pointed out that he was standing in for the current minister who he had not had any contact with because he was on a sabbatical.
10. In closing submissions Mr Bates agreed the issue was a narrow issue and ultimately the Tribunal would have to decide whether or not she would be at risk applying the guidance in HJ (Iran) [2010] UKSC 10. He acknowledged that she had stated she had evangelised and had named two people but pointed out there was no supporting evidence in circumstances where evidence potentially could have been caused. He submitted the Tribunal would have to consider whether she would continue to follow her religion in the same way in Iran and if she did whether that would bring her to the attention of the authorities.
11. Ms Johnrose relied on her skeleton argument together with the evidence of Rev McEwan and the letters of support from Rev Bradford and Mr Tweedale. She submitted the evidence before the Tribunal demonstrated that the appellant would evangelise were she to be returned and the only reason she would not is through fear of persecution. She referred to paragraph 24 of SA (Iran), R (on the application of) v Secretary of State for the Home Department [2012] EWHC 2575 (Admin) in which the Court pointed out that being an active participant in a church in which evangelising is a requirement would be viewed as apostasy in Iran.

FINDINGS

12. The issues in today's appeal were narrow in that the previous Judge had accepted she was a genuine convert. I had been unable to conclude this appeal when this case last appeared before me because there was no interpreter booked and the Minister was also not in attendance. I directed that statements be filed addressing the issue of evangelism and how the appellant would behave were she to be returned to Iran.
13. Whilst there were no lay witnesses in attendance I take into account the fact that the Judge previously found the appellant to be a credible witness with regard to her conversion to Christianity. She attended the hearing wearing a crucifix and made it clear that she evangelised in public and in private.
14. Rev McEwan confirmed that he had observed the appellant speaking of her faith both in classes and at a social gathering that he had himself attended. The appellant told me that if she were returned to Iran she would continue to follow Christianity and attend church. She made it clear that she wanted to continue evangelising.
15. The country evidence is not disputed. A Christian convert who wants to evangelise will be at risk of persecution and/or serious harm in Iran. The respondent's own

guidance confirms this as does the decision of SA. Mr Bates made it clear that if I accepted what the appellant said she would be at risk of persecution.

16. Having considered the oral and written evidence provided by the appellant and the witnesses on her behalf I am satisfied that not only is she a genuine convert but that she would be at risk of persecution or serious harm in Iran because she would want to continue to follow her religion in much the same way as she had been doing since converting. She had been moved from Preston to Bury and had continued to follow her religion and to evangelise. The only reason she could not evangelise in Iran would be a fear of persecution.
17. In such circumstances the appellant is entitled to refugee status as to return her to Iran would place at risk of persecution. In addition, returning her would place her at risk of serious harm contrary to article 3 ECHR.

DECISION

18. The making of the decision of the First-tier Tribunal did involve the making of an error on a point of law as set out previously.
19. I remake the protection and human rights decision and allow this appeal on protection grounds and under article 3 ECHR.

Signed

Date 18/05/2018



Deputy Upper Tribunal Judge Alis

TO THE RESPONDENT

FEE AWARD

I do not make a fee award as no fee was paid.

Signed

Date 18/05/2018



Deputy Upper Tribunal Judge Alis