



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

Appeal Number: PA/02865/2017

THE IMMIGRATION ACTS

Heard at Bradford

On 19th December 2017

**Decision & Reasons
Promulgated
On 23rd January 2018**

Before

DEPUTY UPPER TRIBUNAL JUDGE D E TAYLOR

Between

**NF
(ANONYMITY DIRECTION MADE)**

and

Appellant

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms S Sanders of Counsel instructed by Bankfield Heath Solicitors

For the Respondent: Mrs R Pettersen, Home Office Presenting Officer

DECISION AND REASONS

1. This is the appellant's appeal against the decision of Judge Moxon made following a hearing at Bradford on 20th April 2017.
2. The appellant is a citizen of Iran born on 21st January 1971. She claimed asylum in the UK on 5th September 2016 on the basis that she fears mistreatment in Iran on account of her conversion to Christianity.
3. The respondent did not accept that the appellant was a genuine convert. The judge agreed with the respondent and dismissed the appeal.

4. In reaching his conclusions the judge stated that it was damaging to her credibility during her asylum interview that she did not know when Easter would be that year despite her interview being less than three months before Easter. He also highlighted an inconsistency in her evidence about whether she was on foot or in a vehicle when she saw members of the house church being arrested.
5. In the grounds of challenge the appellant argued that it was entirely unfair to hold it against her that the appellant did not know the date of Easter which is calculated by a lunar calendar, and which ought to have been set in the context of her accurate answers at interview about what happened at Easter and at Pentecost.
6. The appellant also argues that the judge made a significant mistake of fact in highlighting a discrepancy in the asylum interview as to whether the appellant was walking or driving. The appellant now produces fresh evidence from a professional interpreter who listened to the audio recording of the substantive asylum interview and who says that there was no mention of the word walking. The appellant in fact said “carried on going” or “continued on my way”.
7. I accept that this evidence meets the Ladd v Marshall [1954] 1 WLR 1489 test.
8. Whilst the judge also gave other reasons for dismissing the appeal, namely that he did not find it credible that the appellant did not know of the dangers faced by Christian converts in Iran, and criticised the appellant’s daughter’s corroborative evidence that she did not speak Arabic, I am persuaded that the errors highlighted above infected the judge’s findings as a whole. This is an appellant who displayed a considerable detailed knowledge of Christianity and who was supported by a Darodian witness. As the judge who granted permission to appeal stated, many Christians would be unable to state the date of Easter.
9. The errors are therefore material since it is quite possible that, had they not been made, the appeal might have been allowed.
10. The judge erred in law and his decision is set aside. It will be re-made by a judge other than Judge Moxon at a fresh hearing in Bradford.

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 her or any member of her 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.

Deborah Taylor

Signed

Date 22 January 2018

Deputy Upper Tribunal Judge Taylor