



**Upper Tribunal**

**(Immigration and Asylum Chamber)** Appeal Number: PA/13867/2018

**THE IMMIGRATION ACT**

**Heard at Civil Justice Centre  
Manchester**

**On 14<sup>th</sup> June 2019**

**Decision & Reasons  
Promulgated**

**On 20<sup>th</sup> June 2019**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE MCCLURE**

**Between**

**Miss Fatemeh Armoun**

**(NO ANONYMITY DIRECTION MADE)**

Appellant

**And**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr Hoshi of Sabeers Stone Greene Solicitors LLP

For the Respondent: Mr Tan, Senior Home Officer Presenting Officer

**DECISION AND REASONS**

1. This is an appeal by the Appellant against the decision of First-tier Tribunal Judge Handler promulgated on the 7<sup>th</sup> March 2019, whereby

the judge dismissed the appellant's appeal against the decision of the respondent to refuse the appellant's protection claims. The appellant claims to be at risk if returned to her country of nationality, Iran, by reason of her conversion to Christianity and her having attended a house church in Iran in the past.

2. I have considered whether or not it is appropriate to make an anonymity direction. Having considered all the circumstances I do not consider it necessary to do so.
3. Leave to appeal to the Upper Tribunal was granted by First-tier Tribunal Judge Bibi on 9<sup>th</sup> April 2019. Thus the case appeared before me to determine whether or not there was a material error of law in the decision.
4. The first challenge to the decision cites paragraph 26 of the decision in which the judge referred to a possibility that the appellant had attended a house church, which had been raided by the authorities, and her name had been given to the authorities by others that had been arrested. It is submitted that having accepted the possibility of the Iranian authorities being aware of the appellant's identity there is then a reasonable likelihood that the appellant on return to Iran would face questioning. Such risk of the appellant being questioned as to her attendance at the house church would mean that the appellant was at risk from the authorities in Iran.
5. The sentence has to be considered in context. The judge in paragraphs 20 to 25 had made adverse credibility findings with regard to the appellant's claim, material amongst those findings is the fact that the appellant having claimed to have converted to Christianity in Iran could give no justification for her conversion or an explanation of the reasons for her conversion. There appears to be no challenge in respect of those adverse findings of fact. Indeed there are subsequent findings of fact which likewise have not been challenged.
6. Having made adverse credibility findings the judge in paragraph 26 then sets out the following:-

*26 The appellant has not provided satisfactory information as to how she would have been known to the authorities in Iran. Her evidence was that no one saw her on the day that the first church that she was due to conduct was raided. It is possible that people who were arrested on that day and questioned by the authorities gave her name. However it is not consistent that the authorities would wait until November to investigate.*
7. Having made a series of adverse credibility findings the judge was also finding that the appellant had not proved that the authorities in Iran knew her name. The judge then considers the possibility that the

authorities knew her name what they would have done and concludes the authorities would not have waited until November to investigate the appellant. The judge in paragraph 27 makes a finding that if the appellant had attended at a house church and her name had been given to the authorities in Iran, the Iranian authorities would not have waited before investigating the appellant. The judge in the circumstances is finding the appellant's claims not credible. Whilst the judge has considered the possibility he rejects such as a credible account.

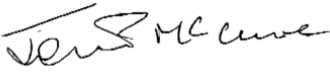
8. The finding is at best secondary to the finding that the appellant's account overall was not credible including not being satisfied that the appellant had converted or attended church in Iran. The judge has given valid reasons for making the findings that she has. Having not accepted the appellant's account and having found that the authorities did not know her name, the judge has merely given an additional reason for not accepting the appellant's account. The judge was merely questioning that if individuals had given the appellant's name the authorities would not have waited until November to seek to arrest and investigate the appellant and therefore the appellant's account was not accepted in that regard. Those were findings of fact that the judge was entitled to make on the basis of the evidence.
9. The 2<sup>nd</sup> issue taken with regard to the decision asserts that the findings set out in paragraph 28 of the decision are unjustified and unfair. It is suggested that the finding by the judge that it was not credible that the appellant's command of English language was not sufficient to discuss and understand Christianity was in part missing the point of the evidence. The appellant's case was that there was an English-language class and after the class she and another S discussed Christianity in the English language. It suggested that the judge has entered into speculation.
10. That has to be seen in the context of the findings of the judge otherwise with regard to the appellant's claim. The judge had made adverse credibility findings in paragraphs 22 to 25 which had disposed of the substance of the appellant's claim. Similarly in paragraph 29, 30 and 36 to 38 similar adverse credibility findings had been made but no challenge had been raised with regard to those findings. The judge has dealt with significant aspects of the appellant's claim and made findings with regard to credibility which have not been challenged in the grounds. The matter of the discussion with S had also been considered in paragraph 24 and 25.
11. The findings in respect of paragraph 28 have to be considered in the context of the findings overall. The judge has clearly given valid reasons for rejecting major aspects of the appellant's account and for finding that significant aspects had not been satisfactorily explained by the appellant including those aspects concerning her discussions

with S about Christianity and why the appellant thereafter took an interest in Christianity.

12. The challenges made to the decision are nothing more than a disagreement with the findings of fact made by the judge. The judge has carefully considered all of the evidence and set out valid reasons for rejecting the appellant's account.
13. Those were findings of fact the judge was entitled to make on the evidence. In the circumstances there is no material error of law.

**Notice of Decision**

14. I dismiss the appeal on all grounds.

Signed 

Deputy Upper Tribunal Judge McClure  
2019

Date 14 June