



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

Appeal Number: AA/11131/2012

THE IMMIGRATION ACTS

**Heard at Bradford
on 14th October 2013**

**Determination
Promulgated**

Before

UPPER TRIBUNAL JUDGE HANSON

Between

**HAIDI AMINI
(No anonymity order in force)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms C Soltani of Iris Law Firm.

For the Respondent: Mr Diwnycz - Senior Home Office Presenting Officer.

DETERMINATION AND REASONS

1. On 1st August 2013 it was conceded by the Secretary of State that the First-tier Tribunal determination contained legal errors and was set aside. The Appellant's immigration history is a preserved finding.
2. The Appellant is said to have converted to Christianity. In light of the decision in NM (Christian Converts) Afghanistan CG [2009] UKAIT 00045 it was agreed this element of the claim was to be considered

first for if he was found to be a genuine convert, the appeal must be allowed.

Discussion

3. The Appellant is an Afghan national of Hazara ethnicity born on the 1st January 1989. In his witness statement dated 2nd May 2013 he sets out details of his conversion from Islam to Christianity and continued attendance at Elim Pentecostal Church. The Appellant stated he first discovered Christianity in 2010 when a man and woman knocked on his door and spoke to him. He then attended the Elim Pentecostal Church from August 2010, following a move to Huddersfield, and has continued to do so since. He attends services on Sunday, was baptised on the 9th January 2011, and explains to his friends how he feels his life has changed through his finding Jesus and God and through his faith. The Appellant also started the World of Life Bible correspondence distance learning course in 2013 to help him understand more about the bible and the Christian faith in his own language.
4. The Appellant is supported by two representatives of the Church who attended to give oral evidence. The Reverend Peter Hannam filed a statement [A's bundle pages 13-17] dated 12th March 2011 in which he explains that although he retired from the position of Senior Pastor of the church, in April 2011, he has known the appellant for about three years as he baptised him. Prior to the baptism he interviewed him to satisfy himself of the reality of the conversion to Christianity and also wrote a letter in support, dated March 2011, in which he confirmed he had no reason to doubt the genuineness of his Christian faith; which he confirms in his statement is still his position. He has seen the appellant attend church on several occasions and has had brief and simple conversations to satisfy himself that he is continuing in the Christian life. In paragraph 17 and 18 Reverend Hannam concludes:

17. In conclusion I wish to state that I believe that Hadi Amini is a genuine convert to the Christian faith. He meets together with other Christians whenever he gets the opportunity and he evangelises when he meets people with whom he can easily communicate. I believe that he would be in danger were he to be deported to Afghanistan or to Iran where he spent some time before coming to England. Hadi has a desire to pursue his faith in this country without fear or persecution and I would strongly urge that he be permitted to stay here and worship freely as he desires.

18. I am unable to give an up-to-date account of Hadi's church attendance or the way in which he is currently practising his faith. I have not seen him since January of

this year when I gave evidence on his behalf at a tribunal. That is because I have not attended the Elim Church in Huddersfield since that time. In retirement I have preached in many different places (in this country and abroad) but I also felt that it was necessary for me to withdraw from the Huddersfield church in order to make it easier for my successor as senior pastor to establish himself in the position. I am sure that others can verify Hadi's continued practising of his faith.

5. The second witness from the church is a Mr Peter Bell who describes himself as a Social Action Deacon. He states he has known the Appellant personally since 2010 when he attended a Christian service. Mr Bell notes that the Appellant initially told him that two English people spoke to him about Christianity in English when they knocked on his door, who Mr Bell believes may have been Jehovah's Witnesses. He confirms the Appellant was baptised on 9th January 2011, which he attended, and of additional work undertaken by the Appellant to expand his understanding of the Christian faith. On 15th September 2013 the Appellant introduced him to another Afghan Muslim friend who he said he had spoken to about Jesus to enable Mr Bell to explore the Gospel with this individual and to pray for him. In paragraphs 10 and 11 of his statement [A's supplementary bundle, p. 3] Mr Bell states:

10. I have come across people who have had an ulterior motive to be seen as a Christian before, but I do not believe that Hadi to be one of these people. He believes that he has a new life by knowing and trusting in Jesus as his saviour and the Son of God.

11. I believe that Hadi would not be accepted in Afghanistan where he was born because of his new faith in Jesus, but I am also sure that Hadi loves Jesus and that he would be prepared to suffer because of his new faith. I believe that Hadi should be given the opportunity to live in this country and be given the freedom to express his faith without fear of death, torture or persecution.

6. Additional documentary evidence includes a letter from a Mrs Jessica Davies [A's bundle, 20-21] confirming his baptism, attendance at OpenWORD Bible and English classes, and attendance at weekly services, a Baptism Certificate dated 9th January 2011 [22], and country material.

7. There was no challenge to the credibility of Mr Hannam or Mr Bell and I am satisfied that I can put appropriate weight on their statements reflecting not only the Appellant's regular attendance at church since

2010, but also their genuinely held belief that he is a genuine convert. Whilst I cannot look into the soul of the appellant, having considered the available evidence, I find to the lower standard applicable to appeals of this nature that he has substantiated his claim to have converted to Christianity and to be a genuine convert.

8. In NM, the Tribunal held that an Afghan claimant who can demonstrate that he has genuinely converted to Christianity from Islam is likely to be able to show that he is at real risk of serious ill-treatment amounting to persecution or a breach of his Article 3 ECHR right on return to Afghanistan. It was accepted before me that in light of NM the Appellant faces a real risk of persecution by reason of his new religion and perception as an apostate in Islam, such as to entitle him to a grant of international protection as a refugee.

Decision

9. **I remake the decision as follows. This appeal is allowed.**

Anonymity.

10. The First-tier Tribunal did not make an order pursuant to rule 45(4)(i) of the Asylum and Immigration Tribunal (Procedure) Rules 2005.

I make that order (pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008).

Signed.....

Upper Tribunal Judge Hanson

Dated the 14th October 2013