



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

Appeal Number: PA/03269/2016

**THE IMMIGRATION ACTS**

**Heard at: City Tower, Birmingham  
Promulgated  
On 29 June 2017**

**Decision & Reasons**

**On 6 July 2017**

**Before**

**UPPER TRIBUNAL JUDGE BRUCE**

**Between**

**HNA  
(anonymity direction made)**

Appellant

**And**

**The Secretary of State for the Home Department**

Respondent

**For the Appellant: Ms Alban, Sultan Lloyd Solicitors  
For the Respondent: Mr Mills, Senior Home Office Presenting Officer**

**DECISION AND REASONS**

1. The Appellant is a national of Iraq born in 1994. He appeals with permission<sup>1</sup> the decision of the First-tier Tribunal (Judge Thomas) dated 4<sup>th</sup> November 2016 to dismiss his appeal on protection grounds.

**Anonymity Order**

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<sup>1</sup> Permission was granted on the 19<sup>th</sup> January 2017 by First-tier Tribunal Judge Murray

2. This case involves a claim for international protection. Having had regard to Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 and the Presidential Guidance Note No 1 of 2013: Anonymity Orders I therefore consider it appropriate to make an order in the following terms:

“Unless and until a tribunal or court directs otherwise, the Appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him or any member of his family. This direction applies to, amongst others, both the Appellant and the Respondent. Failure to comply with this direction could lead to contempt of court proceedings”

### **Background and Decision of the First-tier Tribunal**

3. The Appellant is a Kurd from Sulaymaniyah. He arrived in the United Kingdom in October 2015 and claimed asylum on arrival. He claimed to have a well founded fear of persecution for reasons of his religious belief. He said that he was from a family of radicalised Muslims but that he had converted to Christianity. He claimed that if returned to Iraq he would be at risk from his own family, from armed groups including al-Qaeda and from society in general. The Respondent rejected the entire claim as not credible and protection was refused.
4. On appeal the First-tier Tribunal did not accept that the Appellant had converted to Christianity in Iraq or that his family were threatening him. That said, the evidence overall, in particular that given by *Dorodian* witness Pastor Steve Moseley, satisfied the Tribunal that the Appellant had now converted to Christianity. He had been baptised and had been regularly attending church in the UK.
5. The Tribunal was not satisfied that the Appellant’s conversion would place him at risk in Iraq if he went to live in the Kurdish Independent Region. At paragraph 39 the determination reads:

“The background information, indexed in the appellant’s bundle in summary, is that in the KIR, Christianity is permitted and Churches do operate. The constitution recognises the freedom of religious belief and practice, and there is no state threat to Christians in the KIR. It is true that a person who converts from Islam to Christianity is likely to suffer discrimination and there continue to be reports of harassment and abuses by the Peshmerga and other individuals, but there is no evidence to show that such treatment is contrary to Article 3 ECHR”.

6. Finding that the Appellant had failed to demonstrate that he may be at risk of serious harm as a result of his conversion, the appeal was thereby dismissed.

### **The Appeal**

7. The point on appeal is a simple one. It is submitted that in making the findings that it did about the treatment of Christian converts in Kurdistan, the Tribunal failed to take material evidence into account. For instance pages 70-71 of the Appellant's bundle was a report by 'Release International (UK) which states "Muslim converts to Christianity face acute persecution. Even outside extremist-dominated areas, Christians face abduction and attack". The Respondent's own *Country Information and Guidance Note Iraq Religious Minorities* (August 2016) indicates that "given the widespread hostility towards converts from Islam and the general climate of religious intolerance, the conversion of a Muslim to Christianity would likely result in ostracism and/or violence at the hands of the convert's community, tribe or family. Many, including (Sunni and Shi'ite) religious and political leaders, reportedly believe that apostasy from Islam is punishable by death, or even see the killing of apostates as a religious duty".

### **The Respondent's Reply**

8. Although the Rule 24 response had indicated that the Respondent opposed this appeal, before me on the 12<sup>th</sup> May 2017 Mr Mills made the very realistic concession that the Tribunal did not appear to have taken all of the relevant material into account. He defended the reasoning to the extent that the situation in Kurdistan would appear to be better for religious minorities than elsewhere in Iraq, and submitted that in the final analysis the outcome may be the same, but agreed that there had been before the Tribunal evidence which indicated that the treatment of converts was markedly different from that concerned with Christians *per se* which the Tribunal appears to have focussed upon. For that reason the Respondent was prepared to accept that the grounds of appeal were made out.

### **Error of Law**

9. The error of law alleged in the grounds is made out. The Tribunal has failed to have regard to the totality of the country background material, much of which indicated that there may be a risk of harm in Iraq to a Muslim who had converted to Christianity. The Tribunal was not obliged to accept all of the evidence, but a reasoned decision had

to be made, and it had not been. The determination is set aside to that extent only.

10. The Tribunal made two important findings of fact, neither of which are challenged before me. First, that the Appellant had not converted before he left Iraq, and second that he has converted since his arrival in the United Kingdom. Those findings are to stand.
11. Turning to the remaking of the decision it became clear that there is a further omission in the determination of the First-tier Tribunal. The Appellant claims to be part of an evangelical church and had given evidence that he considered proselytising to be an inherent part of his faith. The First-tier Tribunal made no finding on that evidence. I was not prepared to read in to its acceptance that he is a member of that church an implied finding that he would seek to proselytise should he be returned to Iraq. I directed that further evidence on this point is required and that this should be provided, in the form of oral testimony if necessary, at a resumed hearing.

## **The Re-Made Decision**

### *The Evidence*

12. At the resumed hearing I heard oral evidence from the Appellant and Pastor Steve Moseley of the Coventry Jesus Centre.
13. The Appellant adopted his witness statement dated 8<sup>th</sup> June 2017. He states therein that he has continued to attend the Coventry Jesus Centre even though he has now been moved to Birmingham. It is expensive but he still manages to attend twice a week. On Wednesday nights he goes to the 'catch the fire' bible study group and on Sundays he attends the service. Sometimes he goes on a Saturday as well. He regards spreading the word of God as an important part of his faith. He and his friend N, also a convert, spend a lot of time talking to people in their community about their faith and explaining that Christianity is a peaceful religion. He concentrates on their community because his English is not yet good enough to speak to others. He tries to be careful because he knows that people who are Muslim may be offended, but if the person is open minded he will try and engage them in conversation. He gives instances of when he has publicly helped the church spread the word, such as an event in a park in August 2016 when he handed out leaflets. He fears that in Iraq he would feel "suffocated". He is deeply opposed to Islam. He fears that he would not be able to openly practice his own faith, but he also fears being targeted by extremists. The Appellant appends to his statement photographs of himself engaged in evangelical prayer.
14. Mr Mills read to the Appellant from his statement. He said that he

did not want to offend people so he was careful in who he spoke to. Mr Mills put it to him that he could be careful in Kurdistan – just as he is cautious here, so he could be cautious there before introducing people to Christianity. The Appellant said that it would be harder in Kurdistan. There is not the same freedom there. People wouldn't take it as lightly as they would do here. Mr Mills asked the Appellant to clarify – would he only talk to open minded people in Kurdistan whom he had assessed to be no threat? The Appellant said again that he would be cautious: "it is dangerous there, but I would still continue to do it". Mr Mills asked if there were openly evangelical churches in Sulaymaniyah. The Appellant said that people could not do things in Iraq like his church does here. For instance, his church often evangelises on the streets in Birmingham – Christians could not do that in Kurdistan, their lives would be in danger. The Christian population of Iraq only decreases in size; it never goes up. That is because people are being killed, and forced to leave. People are not joining churches there. Mr Mills put it to the Appellant that many Christians from other parts of Iraq have gone to live in Kurdistan because conditions for them are better there. They practice their religion at home and do not feel the need to take it "onto the street". The Appellant said that those people are born Christian. He said it is okay for them: "I converted so it's different for me". The Appellant said that he regards it as part of his religion to talk to people openly: "I can't just sit at home praying in a prison. I am happy when someone is introduced into the church".

15. Pastor Moseley did not have a witness statement, but adopted as his evidence a long letter he had written to the Tribunal on the 8<sup>th</sup> June 2017. He is the senior pastor of the Coventry congregation of the Jesus Army/ Jesus Fellowship Church. He describes his church as orthodox in doctrine and evangelical. He has known the Appellant since May 2016 when he started attending their church. He is a regular attendee of the Wednesday meetings which are aimed at the Kurdish, Iranian, Arab and Afghani members of the congregation. This group provides baptism instruction and bible study. The Appellant also attends Sunday service and the monthly Saturday evening celebrations. He regularly visits the Pastor at home for evenings of fellowship. Pastor Moseley believes that the Appellant has a "very real commitment of heart and life" to Jesus. From his own observations of him he can say that the Appellant is a morally upright person who conducts himself with integrity. Pastor Moseley said that their church regards evangelising as an important part of their faith and that he has personally witnessed the Appellant enjoying his aspect of their worship.
16. In response to Mr Mills' questions Pastor Moseley said that his church did not have a presence in Iraq. He was unable to say whether there were any evangelical congregations there and he had no personal knowledge of any Iraqis having gone back there having

converted in his church. Asked whether he thought that evangelising was an inherent element of the Appellant's faith Pastor Moseley said this: he could imagine that the Appellant would be able to tolerate attending services conducted by other denominations but it was his assessment of the Appellant that he is a person who has found love in Jesus - like a young man in love he is very enthusiastic and wants to talk about him all of the time. Whatever church he went to he would continue to have that enthusiasm and want to talk about his faith, regardless of the approach taken by those denominations.

17. Pastor Moseley was asked whether he ever exercised discretion in this country. Mr Mills asked him whether he would, for instance, set up a stall outside a mosque? He replied:

"In three weeks' time we are setting up a marquee in the park in the Foles Hill area of Coventry as part of a Christian festival. It is very multicultural area - lots of Poles, Indians, Muslims. We will have people giving out invitations, lots of sports activities etc. I wouldn't march into a mosque and start discussing Allah, I would be more respectful than that, but on the street I wouldn't hold back. We are respectful but we put across our views. We will be in that community and we will explain who we are and what we believe. It takes some guts for the converts from Islam to do that - they may well encounter hostility from their former co-religionists".

#### *Country Background Material*

18. I have been provided with a very helpful report by Dr Farangis Ghaderi of Exeter University. The Respondent makes no challenge to Dr Ghaderi's objectivity or expertise, and I am satisfied that she has understood and applied the *Ikarian Reefer* approach. She has researched and written widely on Kurdish issues for many years and has spent ten years living in Iraqi Kurdistan where *inter alia* she advised the government on gender issues. I found her report to be balanced and well-informed. As to the general background Dr Ghaderi reports as follows:

- i) There is some contradiction between the laws on religious freedom in the KIR and the constitution. The latter states that the state shall protect the individual from religious coercion, but there are examples of the former which operate in a discriminatory way against religious minorities. For instance, Muslims are prohibited from converting to another faith and if minority-faith parents convert to Islam, laws require that their children also convert. Dr Ghaderi reports that there have been instances of Christian parents fleeing with their children

in order to avoid forced conversion;

- ii) The security situation in the KIR is generally far better than the rest of the country, but the influx of more than 1.8 million refugees from Syria and ISIS-affected areas of Iraq has compounded a financial crisis precipitated by falling oil prices;
- iii) The KIR government are far better placed to provide protection than that the government in the rest of Iraq, but problems in governance persist. Corruption and political influence over the legal system remains a significant problem. An individual “without connections” may not be provided with protection;
- iv) The KIR has generally been a “safe haven” for Christians, in the sense that they are not usually targeted by radical Islamists as they are elsewhere in the country. The KIR government has been keen to show the international community that it will protect minorities;
- v) Christians do however face some difficulties including discrimination and unlawful land seizures, which the government have failed to deal with;
- vi) Some Christian leaders have expressed concern about growing extremism in the Sunni community, and fear that the protections they enjoy could be eroded if the government are forced to appease such faction in the future;
- vii) Kurdish society is generally conservative and although reactions would differ depending on the family, one could say that a convert would likely be treated as an outcast by the majority of Kurdish Muslims

19. As to the specific issue in this appeal, risk to a convert from Islam, Dr Ghaderi concentrates on the risk from Islamic extremists. She notes that governance and politics in the region are largely secular. Islamist parties, which emerged in the late 1980s, have been co-opted into government and have to date worked alongside their secular colleagues in a peaceful way. There has however been a more subtle increase in the influence of Islamist groups. Some sources reported that the new generation are more under their influence than the first generation that fought for autonomy. An example of open adherence to Islamic principles has been attacks on stores selling alcohol during Ramadhan. The most violent incident took place in 2011 when over 30 liquor shops belonging to Christians

and Yazidis were damaged. One prominent extremist, a Mullah Hassib, has called for apostates to be executed. The increase in this type of rhetoric has left minority communities expressing fears for their future: the leader of the Zoroastrian community is quoted as saying that he and his people fear for their safety every time they leave their centre. Dr Ghaderi could only find one example of a Christian convert facing violence. That was the incident involving 'Priest Abdullah' reported by the Danish Immigration Service. This convert was said to have been evangelising in the region and escaped three assassination attempts before being arrested by the Asayish. He is believed to have left the region to seek asylum in Europe. Dr Ghaderi concludes that whilst the Appellant is not likely to come to harm at the hands of the state, the state would be unlikely to recognise his conversion for fear of inciting anger amongst conservative clerics.

20. All of the sources I was provided with agreed that the number of Christians in Iraq has diminished since the fall of the Saddam regime. The Minority Rights Group<sup>2</sup> (MRG) report that prior to 2003 the population was estimated to be between 800,000 and 1.4 million; by 2017 it is estimated to be 300,000. The US Commission on International Freedom note that inconsistent census gathering makes accurate reporting difficult, but state that between half to two-thirds of the population has left in the same period.
21. In respect of Christian IDPs the MRG report that as of the end of April 2017 49% of the IDPs in the country are from Ninewa, the scene of major conflict with ISIS. Christians from Ninewa have moved to the KIR. Erbil hosts 11% of the IDPs in Iraq, and Dohuk 13%. The most common living arrangement is for people to be accommodated by relatives or other 'host families' from their ethnic group. Families are also renting privately but these houses are very overcrowded. MRG note that a serious constraint to private renting is the lack of official documentation, as people are unable to enter into formal tenancy agreements without it. Other forms of housing include 'critical housing' ie living in abandoned, half built or derelict buildings, and 24% of IDPs are in camps. In the KIR these camps are overcrowded and have long waiting lists to gain entry. Those who are unable to get in are living in squalid 'informal settlements'.
22. The US Commission on International Freedom (the Commission) have very recently produced a comprehensive report on the situation in the KIR: *Wilting in the Kurdish Sun: the Hopes and Fears of Religious Minorities in Northern Iraq*, dated 1<sup>st</sup> June 2017. Its findings are summarised in this introductory paragraph:

The Kurdistan Region of Iraq (see map on p. 7) is home to considerable religious diversity and has provided a comparatively safe haven for

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<sup>2</sup> *Crossroads: the future of Iraq's Minorities after ISIS*, 6<sup>th</sup> June 2017



minorities fleeing violence in the rest of the region. Compared with the situation in many of its regional neighbors, the Kurdistan Region of Iraq possesses a robust state of religious freedom. Even so, minority religious and ethnic groups face specific challenges, such as systemic discrimination by elements within the authorities or wider society. In addition, the deteriorating political and economic situation in the region, combined with poorly enforced protections and relatively weak rule of law, could put minorities increasingly at risk in the future.

23. The report describes Christians as a “relatively prominent religious and political force” in the region. Christian leaders commended the KIR government, with three Archbishops from different denominations reporting that they were provided with state funds to build and repair churches; Christians who fled ISIS expressed gratitude to the role of the Peshmerga in their defence. On a less positive note the Commission draws a strong link between religion and socio-economic opportunities, noting that minorities face far greater challenges in terms of employment and growth. The findings suggest a systemic bias against economic achievement by minority groups. There are numerous reports of local Christians, particularly in Dohuk, having their land appropriated by Kurds.
24. The Commission’s findings on the rule of law as it applies to religious minorities echo the opinion given by Dr Ghaderi:

In 2015, the Kurdistan Parliament passed the Law of Protecting the Rights of Components in Kurdistan (The Minority Rights Law). This law lists national groups (Turkmen, Chaldeans, Assyrians, Syriacs, and Armenians) and religious groups (Christians, Yezidis, Sabian Mandaeans, Kaka’is, Shabak, Faylies, Zoroastrians, and others) as components of the citizenry of the KRI. The law enumerates a series of rights, including freedom of thought, religion, speech, and culture. The law also mandates the government to guarantee equality and equality of opportunity to all component groups of the region, while requiring religious discrimination to be punished. This law is notable for its comprehensive listing of the various religious groups and minorities, and its unambiguous granting of rights and religious freedoms to all. The law formalizes many of the not yet ratified provisions of the draft constitution and is a stronger legal protection, as it formally acknowledges all of region’s specific groups, and grants them rights equally....

However, although the Minority Rights Law is undoubtedly a positive step for religious freedom in the KRI and in Iraq, it is unclear how effective it will be. Implementation of the law will require a strong commitment to the rule of law, for prosecutors and local authorities to uphold the rights outlined, and for the courts to administer the law fairly. It is too soon to know how effectively this nascent law will be implemented....

Compared with much of the rest of Iraq, rule of law is strong in the KRI. Nevertheless, access to justice varies depending on location, connections, ethnicity, and religion. An April 2016 report produced by the Danish Refugee Council (DRC) and the Danish Immigration Service (DIS) cited interviews with various experts on KRI in collecting updated information relevant to cases of Iraqi asylum seekers and their access to

the KRI. In that report, Human Rights Watch characterized the Kurdish court system as under political influence and used to stifle dissent. Further, according to the Office of the United Nations High Commissioner for Refugees (UNHCR), the local population in KRI makes little use of the police or the courts. UNHCR said that the courts are not seen as responsive, even though, in principle, they have a number of sound laws that meet international standards. In addition, UNHCR explained that access to rule of law is dependent on ethnic and religious affiliation, tribe, connections, family and relatives, and it is very difficult, if not impossible, for an individual to stand up for his rights by himself.

25. The report also notes discontent in respect of the national Iraqi legislation on ID cards, passed in 2015. This stipulates *inter alia* that a Muslim cannot convert to another faith, and that an individual born a Muslim must retain that identity on his ID card. This can create problems particularly for those with children, whose children must remain Muslim. One priest related incidents where a Muslim who had converted to Christianity was unable to change his ID card and subsequently faced difficulty from security services when trying to attend churches in a Christian quarter.
26. There was limited evidence of an evangelical presence in the KIR. The Commission states that there are three main denominations, the Chaldean Catholics, the Assyrians and the Syriac Orthodox. These groups have distinct ethnic identities from the Kurds, and adherents of Christianity tend to ethnically identify with their respective sects. Each sect tends to live in its own geographic area, and share political affiliations. The MRG and the OHCHR both include Evangelicals in their list of denominations present in the area but do not give a breakdown of numbers.
27. In respect of conversion to Christianity the evidence was also limited. A report by the World Watch Monitor dated 14<sup>th</sup> June 2017<sup>3</sup> refers to new converts to Christianity increasing numbers of the faith in Iraq; a respondent attributes this to a reaction against ISIS. The Commission's report only makes one reference, to the man who faced problems because of his ID card. The Commission did note that there has been a very substantial increase in the numbers of Muslims converting to Zoroastrianism, a phenomenon attributed to a rise in Kurdish nationalism: some estimates put the figure as 100,000 conversions in 2015 alone.
28. As to potential risk the Commission identifies a rise in Sunni extremism in the region:

Some Sunni extremism exists in the Kurdish autonomous region. In the early 2000s *Ansar al-Islam*, a terrorist insurgent group, was based in the KRI. In May 2015, Kurdish security forces prevented a bombing plot in Erbil by local members of ISIS, revealing the group's societal reach beyond the front lines of Iraq's disputed territories. Fears of terrorist

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<sup>3</sup> *Iraqi senior cleric shown calling for Christians to 'convert, pay tax or be killed'*

infiltration have alarmed Kurdish authorities, leading to the imposition of strict travel limitations on Sunni Arab populations – though critics suggest this policy is also motivated by a desire to make life difficult for Sunni Arabs and to discourage them from remaining in the region.

In addition, the economic downturn after the war on ISIS, declining global oil prices, increasing unemployment rates, and widespread corruption and nepotism all add to the risk of radicalization, especially among the region's youth. In the KRI, 36 percent of the population is under the age of 14; the median age is slightly over 20.44 According to the Ministry of Social Affairs, unemployment skyrocketed from 7 percent in 2013 to 21 percent in 2015. Since June 2014, more than 500 young Sunnis have joined ISIS from Kurdistan.

To counter the threat of radicalization, the KRG plans to offer “courses to retrain and attempt to ‘moderate’ the nearly 3,000 imams in the Kurdistan Region and to change the Islamic program in public schools, which is under the authority of the Ministry of Education.” Imams and mosques are now monitored for signs of radicalism. Anecdotally, this has led to radical preachers and recruiters meeting in secret.

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Some Christian leaders expressed concern to the researcher about underlying hostility from some more extreme elements of the Sunni Kurdish majority. Priests unanimously warned of growing extremism emanating from the mosques and sections of society. Christians acknowledge that the authorities have safeguarded them to date, but fear that these protections could be eroded if Kurdish leaders choose to appease extremists in future governments. One priest claimed that Kurdish contractors had refused to carry out a contract upon learning that the work was on behalf of a Christian church.

### *Discussion and Findings*

29. Having had an opportunity to hear from the Appellant and Pastor Moseley Mr Mills was able to immediately concede that the Appellant does openly practice his faith in this country and that this does include speaking to non-Christians about his faith and trying to encourage them to convert. Mr Mills further repeated his concession, made at the ‘error of law’ hearing, that in the Arab areas of Iraq an individual convert to Christianity who openly wished to practice his faith may well face a real risk of persecution. It is however the Respondent’s case that the Appellant’s faith, and public demonstrations of it, would not place him at risk of such harm in the Kurdish region to which he would be returned. His home governate of Sulaymaniyah is part of the KIR; no question of ‘internal flight’ therefore arises. If he can make out his claim of risk in respect of the KIR his appeal must be allowed. Ms Alban agreed that this was the framework for my enquiry.
30. I begin with finding that the Appellant is an evangelical Christian and that as such he does regard it as a fundamental part of his faith to ‘spread the word’. I accept Pastor Moseley’s assessment that the

Appellant is very enthusiastic and that he would not be able to contain that enthusiasm if faced with an opportunity to convert someone. I also accept Pastor Moseley's evidence that the Appellant would 'tolerate' attending services led by a different denomination, in the event that he was unable to locate other evangelicals to worship alongside. As here, I would expect that the Appellant would use common sense and good manners when speaking to others. In his evidence he described not wanting to offend people; this was mirrored in Pastor Moseley's evidence that their approach is to speak to receptive, open minded audiences. I find that he would be likely to do the same in Kurdistan. Just as Pastor Moseley would not enter a Mosque uninvited to start talking about Jesus, so too would the Appellant be judicious in choosing his audience.

31. His evidence about his family, and their attitude towards him was expressly rejected by the First-tier Tribunal, who did not accept that they posed a risk to him because he had converted prior to leaving Iraq. Dr Ghaderi opined that family reactions would vary depending on the political or religious leanings of the family in question. I do not regard it as necessary, for the purposes of this determination, to evaluate what reaction the Appellant's family might have to his conversion today. That is because he is a grown man with no health issues, who would be able to live independently from his family, just as he has done here. What he would lack in respect of familial ties, he could make up for by building relationships with fellow Christians, just as he has done here. I proceed on the basis that the Appellant would choose to live away from his family in Sulaymaniyah city.
32. I must now consider, in light of the background evidence, whether there is a reasonable likelihood of serious harm for an individual with these characteristics in the KIR.
33. The background evidence indicates that there are three potential problems faced by Christians in Kurdistan.
34. First, they clearly face some degree of discrimination. Notwithstanding the efforts of the regional government, federal Iraqi law clearly operates to their disadvantage. The law relating to ID cards stipulates that an individual who is born Muslim cannot change his religious designation on his ID card. I accept that this would be frustrating, and perhaps insulting for the individuals concerned. It could also result in inconvenience: the Commission report mentions such an individual who faced obstacles in getting past security personnel into the Christian quarter in order to worship. I accept that this would certainly be difficult, but I do not accept that such inconveniences would amount to persecution. The ID card law can create real problems for families of mixed faiths. I accept that this could potentially lead to serious harm. For instance, where the family have hitherto been Christian and one of the parents converts to Islam,

the law requires that the children also be converted. I would comment that this stipulation appears to be wholly contrary to Islamic as well as human rights law, and accept that in some circumstances it could be classed as persecution. It is not however a matter that need concern this Appellant. I accept that some members of Iraqi Kurdish society, and indeed some Christians, may view him with suspicion or distain. This may impact on his ability to make friends, find accommodation and employment. This leads me to the second point to emerge from the country background material.

35. Christians as a class do appear to suffer from an economic disadvantage. In a region already beset by financial crisis, where 1.8 million refugees and IDPs have further destabilised an already precarious economy, people are likely to 'stick to their own'. An incomer who has no family ties and no immediate ethno-religious affiliation is likely to find it difficult to find work, and accommodation. I accept that it would be difficult, but not that it would be an obstacle that could not be overcome. I cannot accept that the Appellant could be unable to find some support from fellow Christians in the KIR. These churches have welcomed and supported their brethren from Ninewa and other southern governates; it is unthinkable that they would reject the Appellant. The type of economic harm that features most prominently in the reports – illegal land appropriation – is not a matter that would impact upon the Appellant.
36. The final problem for Christians is the presence in the KIR of Sunni extremism. I have before me evidence that Sunni 'extremism' - by which I read a form of Islam that expresses open hostility towards those of other faiths – is on the rise in Kurdistan. The sources attribute this rise to several factors: the fall in the oil price has led to greater economic uncertainty, the influence of this ideology across the region generally, the failure of secular ideologies to deliver, and simple demographics, with a disproportionate number of young people who are traditionally more susceptible to radicalisation. Dr Ghaderi gives the example of Mullah Hassib who has called for apostates to be killed; Priest Abdullah, a vocal convert who was forced to flee, and the 2011 rioting against shops selling alcohol during Ramadhan. The Commission reports on a 2015 foiled bomb plot by a nascent ISIS cell in Erbil. These examples are very concerning in an area otherwise praised for its "robust" attitude to religious freedom. They must however be seen in the context of the overall evidence.
37. That evidence is that Christians, and other religious minorities, enjoy a greater degree of freedom and protection in Iraqi Kurdistan than anywhere else in Iraq, and possibly the entire Middle East. The state has taken overt and concrete steps to protect them in law, and Kurdish troops are committed on the frontline to defending them in arms. Reading the background material I am struck by the generous plurality of the government policies, which appear at odds with the

trends emerging in other places in the region. The US State Department<sup>4</sup> reports for instance that this year the 430 Jewish families living in the KIR were honoured with the first official Holocaust Remembrance Day and a special representative in the Ministry of Religious Affairs. Laws have been passed specifically to defend the religious freedom of Christians – whilst simultaneously outlawing those who might pose a threat to them, such as Wahhabism. It may be that these policies are driven by a genuine desire to create a secular and democratic society. A cynic might suggest that the government are keen to display their human right credentials to the international community as the independence referendum looms later this year. Whatever the motivation, the evidence before me consistently suggests that significant effort is being made to accommodate and protect Christians. There may be dangers in the future. Political expediency may mean that the KRG is compelled to accommodate the religious right. ISIS could regroup and strike north. Sunni extremists may consolidate their foothold. All of these things are possible, but on the evidence before me they are remote possibilities. At present the KRG appears to be sticking to its policy of protection and accommodation.

38. I now turn to consider the specific threat, if any, posed to a person with the Appellant's characteristics. The reason for this remarking was the agreed position between the parties, that a convert is in a markedly different position from a person who was born Christian. In the KIR the principle reason why would appear to be the question of connections. He is ethnically Kurdish. He is not from one of the established ethnic Christian groups, such as the Chaldeans or Assyrians. I find that as a result he is likely, on arrival at least, to face some degree of isolation, if he does not want to return to his family. If he were to find himself in any sort of trouble, this lack of connections could present him with difficulties, for instance in accessing active support from the police. However I consider it very unlikely that he would remain isolated for long. Pastor Moseley – and indeed the Appellant himself – was eloquent in expressing how motivated and keen the Appellant is to develop and share his knowledge of his new faith. I am satisfied that he would quickly be able to find some social and economic support from the large and established Christian community. I accept Pastor Moseley's evidence that he would find it tolerable to worship with another denomination if he were unable to locate other evangelicals. Would he then find himself at risk for talking to other people about his faith?

39. The evidence of converts to Christianity in the KIR is thin. I note the evidence of the 'World Watch Monitor' that revulsion at ISIS is proving a strong recruiting mechanism for evangelical groups. I read that evidence with some caution since it is not supported at all by the other evidence, but I do accept, for instance in light of the

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<sup>4</sup> *Country Report on Human Rights Practices, 3/3/2017*

Commission's report, that there are isolated instances of conversion. Since both OHCHR and MRG report on the presence of evangelical churches I assume that they are actively evangelising. What the Commission does detail quite extensively is the conversion - in fairly large numbers - of Muslims to Zoroastrianism. The absence of evidence that such converts are suffering from persecution is striking. It does not support the Appellant's case that any Muslim who leaves his religion would be risking death or serious harm in the KIR.

40. Considering all of that evidence in the round I am satisfied that a person who has converted to Christianity would face some discrimination, and significant socio-economic challenges in the KIR. He would not however face any sanction in law, nor be prevented from practising his faith in an open manner. I accept that there may be some risk from violent extremists, but this is, on the evidence before me so limited that a real risk cannot be made out, even applying the lower standard of proof.

### **Decisions**

41. The decision of the First-tier Tribunal contains an error of law such that the decision must be set aside to the limited extent identified above.
42. The decision in the appeal is remade as follows: the appeal is dismissed on all grounds.
43. There is a direction for anonymity.

Upper Tribunal Judge Bruce  
5<sup>th</sup> July 2017