



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: PA/13011/2017

**THE IMMIGRATION ACTS**

Heard at Field House  
On 8 May 2018

Decisions & Reasons Promulgated  
On 14 June 2018

Before

DEPUTY UPPER TRIBUNAL JUDGE FARRELLY

Between

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

And

MRS.F.S.  
(ANONYMITY DIRECTION MADE)

Respondent

**Representation:**

For the appellant: Ms A Everett, Home Office Presenting Officer  
For the respondent: Ms C Proudman, Counsel instructed by SJLaw Solicitors

**DETERMINATION AND REASONS**

**Introduction**

1. The Secretary of State is the appellant in these proceedings. However, for convenience, I will continue to refer to the parties hereinafter as they were in the First tier Tribunal.
2. The appellant is a national of Iran. She claimed protection based upon her conversion from Islam to Christianity due to the influence of her boyfriend and her religious activities here. The respondent did not find her truthful.

3. Her appeal was allowed by Judge O'Malley of the First tier Tribunal. The judge rejected her account of her boyfriend and did not find it established that she was a committed Christian who would evangelise. The judge had allowed her appeal on the basis of her place activity.
4. The judge found she had attended a Christian church in the United Kingdom and had advertised her activities online on an Instagram account. She claimed she had created the account to educate others about her beliefs and that she had 110 followers made up of Turks and Iranians. The appeal bundle contains various Facebook postings. The name given is 'Masih S...' S being the appellant's surname. Page 12 of the bundle is of her at a gathering where people are holding flags.
5. The judge saw the postings as opportunistic, made in order to promote a claim based upon a conversion which was not genuine. In submissions it was pointed out that the account was not in her name and there was no information whereby she could be identified from the account. The judge heard from a pastor of the church who confirmed her attendance and that she had been baptised. He referred to a church website giving details of all members baptised that year.
6. The judge concluded that she could be identified from the information on the account. The judge found she had attended this church and advertised herself in an effort to bolster an unmeritorious application. She has thus been successful in establishing a claim on the basis her activities may become known to the Iranian authorities. They review Internet sites and they would not appreciate she was an opportunist.

### The Upper Tribunal

7. The respondent sought permission to appeal on the basis the judge had not given adequate reasons for allowing the appeal.
8. At paragraph 86 the judge found she had advertised her church activities on the account and the account was not restricted and could be accessed. It included a photograph of her at the church with an Iranian flag and that whilst her name was not on the account she could be identified.
9. The respondent in the grounds contended that this was at odds with the comment by the judge at paragraph 75 about the account.
10. At paragraph 87 the judge referred to the church having a social media profile which included a website containing details of those baptised and that the appellant's name was recorded there. There was the potential for her to have

been filmed whilst one of the services was recorded. The judge concluded that her church activities had the potential to put her at risk on return.

11. In response to this, the grounds point out that the appellant has said she did not know how to access the church's website and from this the respondent concluded neither could the Iranian authorities.
12. At the hearing the presenting officer referred to the finding the conversion was a lie. At paragraph 75 of the decision the judge found there was nothing to indicate that the Instagram account was open to the public or had been viewed. The appellant's representative referred me to paragraph 87 of the decision where the judge found that the church had a social media profile, including a website and that the appellant's name and details will be recorded as someone who had been baptised. There was a possibility that when church services were recorded her image could be identified.

### Conclusion

13. No satisfaction can be taken in affording protection to someone such as the appellant who has been found to be a complete montibank who has abused religious beliefs for their advantage. Distasteful as it is, my conclusion is that there is no error of law in the decision and her appeal succeeds. I find the judge has carefully analysed the evidence and case law. Clear and bold findings are made which inevitably lead to the outcome. I find that the judge did explain the reasons behind the decision.
14. AB and Others (internet activity - state of evidence) Iran [2015] UKUT 0257 (IAC) is not a country guidance case but was published so that the evidence could be placed in the public domain. The Upper Tribunal concluded that it was very difficult to establish any kind of clear picture about the risks consequent on blogging activities. It indicated that those active on the Internet run into millions and whilst the more active persons are, the more likely they are to be persecuted, the reverse did not apply. The mere fact that a person blogged in the United Kingdom would not mean they would necessarily come to the attention of the authorities in Iran. The Upper Tribunal did not find it relevant if a person had used the internet in an opportunistic way. Reference was made to the touchiness of the Iranian authorities who did not seem to be in the least concerned with the motives of the person making a claim. The mere fact of being in the United Kingdom for a prolonged period does not lead to persecution. However it may lead to scrutiny and there is clear evidence that some people are asked about their internet activity and particularly for their Facebook password. The act of returning someone creates a "pinch point" so that a person is brought into direct contact with the authorities in Iran who have both the time and inclination to interrogate them.

15. Judge O'Malley did not find the appellant was a genuine Christian convert and gave reasons. Those reasons have not been challenged. The judge also found that she had deliberately set out to create a situation whereby her church activities may come to the attention of the Iranian authorities. There were two possible ways this could happen. The first was by establishing an Instagram account. I find the respondent has misinterpreted the comments made by the judge at paragraph 75 and 86 and that they are not contradictory. In the paragraphs leading up to paragraph 75 the judge was assessing her claimed conversion. It is in this context that the comment at paragraph 75 on the Instagram account is made. The judge is referring to her claim that she was using this to evangelise. The comments at paragraph 86 relate to how that account could be accessed by the Iranian authorities.
16. The next aspect of the appellant's claim is her baptism. It is not suggested that the ceremony was recorded on film but the website maintains a record of people baptised that year: this contains the appellant's details. There is also the unlikely occurrence that she could be identified from a random photograph of church services. The judge at paragraph 87 refers to the church having a website which would contain those details. At paragraph 88 the judge took the view that the Iranian authorities might somehow come to view the site. The respondent refers to paragraph 26 of the decision where the appellant said she did not know how to access the website. However, it is a non sequitur to suggest that therefore the Iranian authorities could not.
17. AB and Others (internet activity - state of evidence) Iran [2015] UKUT 0257 (IAC) indicates that the Iranian authorities monitor activity in other countries. Whilst it may seem remote that they could track the appellant, particularly as she is not a political blogger, there is a low standard of proof and the judge correctly refers to the potential of risk. Notably, AB and Others suggests that if the appellant were interviewed on return the risk would not be removed by her then stating the truth; namely, that she was not sincere and did this out of self-interest.

### Decision.

No material error of law has been established in the decision of Judge O'Malley of the First tier Tribunal. Consequently, that decision allowing the appellant's appeal shall stand.

Francis J Farrelly  
Deputy Upper Tribunal Judge

Date 12.6.18