



**Upper Tribunal
(Immigration and Asylum Chamber)
PA/10395/2018**

Appeal Number:

THE IMMIGRATION ACTS

**Heard at Bradford
On 13th May 2019**

**Decision & Reasons Promulgated
On 22nd May 2019**

Before

DEPUTY UPPER TRIBUNAL JUDGE D E TAYLOR

Between

AR

(ANONYMITY DIRECTION MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mrs Chowdhury of Counsel instructed by Hasan Solicitors
For the Respondent: Mr M Diwnycz, Senior Home Office Presenting Officer

DECISION AND REASONS

1. This is the appellant's appeal against the decision of Judge Graham made following a hearing at Birmingham on 7th January 2018. The judge dismissed the appellant's appeal against the respondent's refusal to grant him asylum on the grounds that he would be persecuted on a return to Iran as a Christian convert.
2. Both parties agreed that this appeal has to be reheard.
3. First, the judge stated that the weight to be attached to the evidence of the Reverend M was reduced by his non-attendance at the appeal hearing. However, the judge refused to adjourn the appeal in order to allow the Reverend M to attend, wrongly stating that there was no supporting

evidence before her that he had had a stroke when in fact there was such evidence.

4. Second, the judge stated that the other witness had accepted the appellant's account without question when in fact his evidence was that he was aware that individuals could use the church as a means to bolster their asylum claim and he explained why he did not believe this to be the case with the appellant.
5. The judge erred in law in failing to take account of material evidence. Her decision is set aside. It will have to be re-made by a judge other than Judge Graham at Bradford in order for comprehensive credibility findings to be re-made.
6. An anonymity direction is made.

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 him or any member of his 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 21 May 2019

Deputy Upper Tribunal Judge Taylor