



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

Appeal Number: PA/03016/2019

**THE IMMIGRATION ACTS**

**Heard at Manchester Civil Justice  
Centre  
On 16<sup>th</sup> January 2020**

**Decision & Reasons Promulgated**

**On 29<sup>th</sup> January 2020**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE KING TD**

**Between**

**MR IHAB MATOURI**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Mr M Abdullah, Solicitor, instructed by UK International Lawyers Ltd

For the Respondent: Mr A McVeety, Home Office Presenting Officer

**DETERMINATION AND REASONS**

1. The appellant is a citizen of Iran born on 5<sup>th</sup> April 1995. He arrived in the United Kingdom in September 2018 and claimed asylum. His claim was refused by the respondent in a decision of 13<sup>th</sup> March 2019.
2. The appellant sought to appeal against that decision, which appeal came before First-tier Tribunal Judge Hobson for hearing on 31<sup>st</sup> July 2019.
3. The appellant indicated that he had turned away from Islam when he was 17 years old and had been introduced to Christianity by his friend. He had

been attending a house church for some three months when on 3<sup>rd</sup> September 2018 that church was raided by the authorities. He managed to escape but left his wallet at the church and that led to the authorities coming to his home searching for him.

4. Since he has been in the United Kingdom he has been going to church regularly. Evidence was given before the Tribunal by the Reverend Sally Smith and also by Mr Shadravani, who is an licenced parish outreach worker and chaplain to the Iranian community.
5. In the course of the determination the Judge accepted what had happened to the appellant in Iran and also accepted the genuine nature of his conversion to Christianity.
6. In assessing the risk on return the Judge found that he was more likely to be investigated and arrested by the authorities than other young men in Iran but saw no reason, however, why he could not return to his family home and continue to practise his religion in the same manner as before.
7. The appellant sought to appeal against that decision, essentially on the basis that the Judge had not applied the principles in **HJ & HT v Secretary of State for the Home Department [2010] UKSC 31** properly and had failed to engage with what risk would be presented to the appellant were he to return home and continue to worship as he had done before, if not more so.
8. The matter came before me to determine the issue and I found that there was a material error of law in the assessment of risk on return.
9. I set aside the decision, having preserved the findings of fact in order that the Upper Tribunal could determine the nature of the risk which the appellant would face upon return. The matter thus came before me once again on 16<sup>th</sup> January 2020 to determine that issue.
10. The appellant indicated that at present he feels very much part of the church family and would continue to follow his faith even were he to be returned to Iran. He is in contact with his family through WhatsApp. Initially when he told them of his conversion they were not very pleased but they are more receptive now because they can see that he is a happier and a better person. He would wish to express his faith in Iran if returned.
11. The Reverend Sally Smith updated her evidence by a further statement of 12<sup>th</sup> January 2020. St Mark's Church is very much a community-based church that has a large number of activities during the week for the wider community, particularly for asylum seekers, the homeless and those on the fringe of established community.
12. On Monday evening the church would be open for worship practice. On Tuesday during the day people would gather together to cook food,

engage in baptism and preparation with worship at 6 o'clock, thereafter to share a meal.

13. On Wednesday the church is open for refugees to come to seek assistance from other agencies such as nursing, Citizens Advice, midwifery, food bank and so forth. On the Wednesday before the hearing 134 people from 37 countries came on that day.
14. The church then is closed until Sunday, when it is open in the afternoon for preparation for a Bible reading in the evening.
15. The church has been very much seen as a focus for Iranian Christians worshipping as a community of some 47 to 70 people.
16. The appellant is fully engaged with all that the church has to offer. He helps lead the singing and the services and also is very active in food preparation and general assistance during the week. He helps also with the volunteer drop in centre on Wednesday called The Sanctus Group and also with the foodbank support. She has no doubt that he is both genuine and involved in his faith and would be anxious to express it.
17. Mr Shadravani also made a further statement of 12<sup>th</sup> January 2012. He himself came to the United Kingdom as an asylum seeker in 2015. He also found it difficult to convince the authorities that he was a genuine Christian. He fully understands the nature of the issues and has no doubt at all that the appellant is genuine in his faith. The appellant was baptised on 15<sup>th</sup> August 2019. He spoke of the appellant doing more than he needed to do within the community to demonstrate his commitment.
18. Mr McVeety had no questions of any of the witnesses in the proceedings.
19. I was invited to find that there was indeed a real risk to the appellant on return. He had expressed a commitment to his faith before he left Iran and that had attracted the attention of the authorities towards him. He has as a mark of that faith a large tattoo put onto his arm and that was done before he left for the United Kingdom. Since that time, he has grown in his understanding and commitment to the Christian faith and would seek to live out that faith were he to return. That would draw the attention of the authorities to him, the additional factor being that he was already somebody who was of interest to the authorities before he left.
20. Mr McVeety most fairly conceded that he had no challenge to the evidence that was presented and accepted that, on the face of the current country guidance, the appellant with his Christian profile and a person who it would not be reasonable or fair to expect to hide that faith, would be a person at risk.
21. In those circumstances, I find that were the appellant to be returned to Iran he would be of interest to the authorities by reason of his existing profile and would be readily apparent to the authorities by reason of his public expression of his faith in a church setting.

22. In all those circumstances therefore, I find that the appellant would be at risk of persecution and/or serious harm upon return. In those circumstances, the appeal is allowed.

**Notice of Decision**

The appeal is allowed as to asylum and human rights.

No anonymity direction is made.

Signed P. D. King

Date 27<sup>th</sup> January 2020

Deputy Upper Tribunal Judge King TD