



IAC-AH-SAR-V1

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

Appeal Number: PA/05767/2016

THE IMMIGRATION ACTS

Heard at Bradford

On 11 March 2020

**Decision & Reasons
Promulgated**

On 24 March 2020

Before

UPPER TRIBUNAL JUDGE LANE

Between

**REZA ZARE
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Holmes, instructed by Parker, Rhodes Hickmotts

For the Respondent: Mrs Pettersen, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant was born on 13 June 1994 and is a male citizen of Iran. He entered the United Kingdom in January 2016 and claimed asylum. By a decision dated 27 May 2016, the Secretary of State refused to grant the appellant international protection. The appellant appealed to the First-tier Tribunal which, in a decision promulgated on 22 December 2017, dismissed the appeal. The appellant now appeals, with permission, to the Upper Tribunal.

2. There has been a delay in the determination of this appeal pending the making of new country guidance in the Upper Tribunal. Mr Holmes, who appeared for the appellant, relied upon both the original grounds of appeal and the renewed grounds. However, he told me that his focus would be upon parts (a) and (b) of the initial grounds. His client no longer sought to rely upon part (c) of those grounds.
3. First, the appellant submits that the judge reached findings of fact which were not supported by the evidence. At [56], the judge wrote:

“Overall, I am satisfied that the appellant has manufactured a claim based on conversion to Christianity. In my view, the appellant had been advised to say that he had been introduced to Christianity in Iran and that the authorities had an adverse interest in him. In addition, the appellant had been advised to mention at the earliest opportunity that he had converted to Christianity and that he had to attend church regularly in the UK. I reject the appellant’s account in its entirety.”
4. The appellant complains that the judge had not been provided with any evidence to indicate that the appellant had been ‘advised’ to say that he had been introduced to Christianity in Iran or ‘advised’ to do so ‘at the earliest opportunity.’ The finding amounted to speculation on the part of the judge. It was not for the judge to posit his own alternative scenario, having rejected the appellant’s account.
5. I find this ground is without merit. I agree that the judge was not required to take a view on whether the appellant had been advised to fabricate a particular account or whether he had simply come up with the idea himself. However, the judge’s *obiter* observation makes no material difference at all to the outcome of the appeal. The appellant has put forward an account which the judge has rejected, giving cogent reasons for doing so; the judge has not rejected the account because or to a greater extent because the appellant may have been advised by a third party to adopt it.
6. Secondly, the appellant asserts that the judge has failed to consider material evidence. The judge rejected the appellant’s claim to have converted to Christianity. At [44] and [45], the judge found the appellant’s failure to ‘share a [Bible] reading or story that has touched him’ was ‘wholly inconsistent with someone who claims to have a genuine commitment and interest in Christianity.’ The appellant complains that the judge had failed to have regard to his answers at asylum interview [Q58/59] in which the appellant refers to a ‘sentence [in the Bible]’ which had ‘caught my eye.’ The appellant goes on to give chapter and verse for the passage to which he refers (John1, V). Moreover, judge had failed to mention a supporting witness statement which was before him prepared by [ZG]. This witness stated [8] that the appellant’s religion is ‘is something spiritual for him as far as I see it.’
7. I find that the ground is without merit. The reference made to the gospel by the appellant at Q58/59 concerns an incident which occurred in Iran. At

Q184, the interviewer specifically asked the appellant to tell about a particular story or teaching which the appellant had learnt whilst at church in Bradford, West Yorkshire. The appellant replied, 'regardless of whether they are talking about proverbs or stories of verses, my understanding is Christianity is a religion of love and kindness forgiveness and being blessed.' I consider that it was open to the judge to agree with the Secretary of State that that answer is both vague and damaging of the appellant's claim to be a genuine Christian. The fact that the appellant had referred to a Bible passage in answer to a different question is wholly immaterial. Indeed, he could have referred to the same passage when asked about what he had learned from attending church in Bradford but he chose not to do so. It was open to the judge to find that the appellant's answer at Q184 (which I have quoted in full) was evasive and vague that the appellant's failure to refer to any particular Christian story or teaching but to rely instead upon vague generalities damaged his credibility.

8. So far as Ms [G]'s evidence is concerned, frankly this adds nothing to support the appellant's claim to be a genuine Christian. I note that the witness is married to a relative of the appellant. She has a reason, therefore, to express an opinion that the appellant is a genuine Christian. Moreover, to say that an individual's religion is 'something spiritual' for them rather like saying and his or her membership of a political party is 'something political' for them. The failure of the judge to refer to such a platitude in an analysis which otherwise provides cogent and legally sound reasons for rejecting the appellant's credibility is of no significance.
9. Consequently, given that I find that neither ground of appeal upon which the appellant now relies has any merit, I find that the appeal should be dismissed.

Notice of Decision

This appeal is dismissed.

Signed
2020

Date 17 March

Upper Tribunal Judge Lane

Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until a Tribunal or court directs otherwise, the appellants are granted anonymity. No report of these proceedings shall directly or indirectly identify them or any member of their family. This direction applies both to the appellants and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.

