



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

**Appeal Number: PA/01510/2018**

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 6<sup>th</sup> October 2021**

**Decision and Reasons  
Promulgated  
On 9<sup>th</sup> November 2021**

**Before**

**UPPER TRIBUNAL JUDGE RIMINGTON**

**Between**

**P.H.A.M.S**

**Appellant**

**(Anonymity Direction Made)**

**and**

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

**Respondent**

**Representation:**

For the Appellant: Ms P Yong, instructed by Davies Blunden & Evans

For the Respondent: Mr S Walker, Senior Home Officer Presenting Officer.

**DECISION AND REASONS**

**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.

- 1.** The appellant, a citizen of Iraq and born on 4<sup>th</sup> February 1985, claimed asylum on the basis that his conversion to Christianity since his arrival in the United Kingdom placed him at risk of persecution should he return to Iraq, in particular the KRI from whence he came.
- 2.** The Secretary of State refused the claim on 19<sup>th</sup> January 2018 with a supplementary decision served on 30<sup>th</sup> September 2021. The appellant's appeal was heard before First-tier Tribunal Judge Skehan and his appeal dismissed on 26<sup>th</sup> February 2019. That decision was appealed, and Deputy Upper Tribunal Judge Lever found an error of law in the decision and set it aside. Certain findings, however, were preserved and DUTJ Lever directed that the only issue which required reconsideration was whether the appellant would be at risk on return to the IKR because of his conversion to Christianity and the fact that he was known by his family who had demonstrated their hostility in the manner found by the First-tier Tribunal Judge.
- 3.** The findings made by the First-tier Tribunal Judge, and preserved, included the following:

  - (i) the appellant had genuinely converted to Christianity from Islam
  - (ii) the appellant had sought to convert his family to Christianity and that 'given the widespread animosity 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.
  - (iii) that the 'appellant's evidence was consistent with the evidence of the other witnesses as set out below' [6(m)]. The judge recorded at 6(n) that the appellant 'wishes to spread the word of the Christian gospel with the Kurds living in the UK and would dearly like to spread the word of the Christian gospel with the Kurds living in the UK'.
  - (iv) 'there was a reasonable degree of likelihood that he [the appellant] has received threats as alleged' (it was recorded at 6(p) that the 'appellant's uncles had promised that if the appellant returned to Kurdistan and does not regret what he has done [converting to Christianity] that they will kill him and not allow him to live').
- 4.** Mr Clarke in written submissions sensibly on behalf of the Secretary of State accepted that the appellant would proselytise on return to the IKR. In consequence Mr Walker, at the hearing, accepted that the appellant would indeed proselytise and be at risk on return to the KRI (his home area). In view of the previous positive credibility findings there is no reason to doubt that the intention to proselytise was not genuine. Mr Walker's acceptance that there was a reasonable likelihood of risk on return in the particular circumstances of this appellant, was also sensible, in my view, bearing in mind the limited number of Christians in the KRI, the limited size of the KRI, the threats of violence as accepted from the appellant's family (whom I am not persuaded would need particular wealth, status or influence to find the appellant) and the latest Country Policy and Information Note Iraq: Religious minorities dated July 2021, which includes, (with particular reference to the KRG and KRI), the following at paragraph 6.1.2

*'While converts may encounter difficulties with the authorities, the main source of problems is usually the community and family, with reactions varying from one family to another. In some cases, family members are open-minded and do not react to the conversion in any way. In others, the convert may be disowned, receive death threats or even be killed.*

...

*Although the KRG supports the Christian converts residing in the KRI, state authorities cannot provide the converts constant protection against the possible threat posed by their own tribe. Kurdish authorities are fairly tolerant of the Christian converts but it has not been possible for converts to, for example, change the official status of religion for their children. Some years ago, Kurdish authorities did, however, register a Kurdish Christian group that had converted from Islam. The number of Christian converts in the KRI is generally thought to be around a few hundreds.'*

5. I therefore allow the appeal under the refugee convention and on human rights grounds (Article 3 and Article 8)

**Order**

6. The appeal is allowed on asylum grounds and on human rights grounds, (Articles 3 and 8).

Signed Helen Rimington  
October 2021

Date 6<sup>th</sup>

Upper Tribunal Judge Rimington