



IAC-FH-CK-V1

**Upper Tribunal
(Immigration and Asylum Chamber) Appeal Number: PA/03537/2020**

THE IMMIGRATION ACTS

**Heard at Field House
On the 20 October 2022**

**Decision & Reasons Promulgated
On the 14 November 2022**

Before

**UPPER TRIBUNAL JUDGE RINTOUL
DEPUTY UPPER TRIBUNAL JUDGE WOODCRAFT**

Between

**E P
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms F Allen, instructed by Freedom Solicitors

For the Respondent: Mr T Melvin, Home Office Presenting Officer

DECISION AND REASONS

1. The appellant appeals with permission against a decision of First-tier Tribunal Judge Traynor promulgated on 5 July 2021 in which the judge dismissed his asylum and protection claim. For the reasons set out in the decision of Upper Tribunal Judge Rintoul, promulgated on 4 February 2022 (a copy of which is attached) that decision was set aside to be remade in the Upper Tribunal.

The appellant's case

2. The appellant is a citizen of Iran. He is of Kurdish origin although he gave evidence in Farsi and it is his case that he is at risk on return to Iran because of his conversion to Christianity in Iran, a faith which he pursued in the United Kingdom. Since his arrival in the United Kingdom he became involved with the Christadelphian Church, initially in Ealing, and recently in Swindon since he was moved there by NASS. He has now been baptised and is an active member of the Christadelphian community in Swindon, attending church services and Bible study classes for Iranians and he takes a role in instructing other Iranians in the Christadelphian faith.

The respondent's case

3. The Secretary of State did not accept the appellant's account of his conversion to Christianity or his account of what had happened to him in Iran. At paragraph 34 of the refusal letter there is a list of the facts which are found to be proven which includes only the appellant's nationality.

The hearing before the First-tier Tribunal

4. The judge heard evidence from the appellant and also Mr Peddle, who is an elder in the Christadelphian church in Ealing and he provided a letter in support signed by him and another church elder, Dr Stephen DeWilde. The judge made adverse credibility findings in respect of the appellant. He did not accept the appellant's account of having become involved in Christianity in Iran, he did not accept his involvement within the Christadelphian faith in the United Kingdom was genuine and he did not consider that he had properly become a convert to Christianity, be it in Christadelphian profession or otherwise.
5. The judge found that the appellant had in effect pretended to convert to Christianity, that this was not in good faith, that his postings on Facebook which were on an open page would be seen as part of an unmeritorious claim designed to create an impression that he was a convert to Christianity.
6. The judge found that:
 - (1) the appellant's evidence had been entirely unreliable and he had not left the country unlawfully;
 - (2) the appellant had provided self-serving statements regarding his inability to deny his newfound Christian faith if returned to Iran and there is nothing sincere or genuine about his claimed conversion
 - (3) whilst the appellant might be questioned on return including why he claimed asylum, it is unlikely following the country guidance in PS (Christianity - risk) Iran CG [2020][UKUT 00046 that anything more would happen to him than being asked to sign an undertaking renouncing his claimed Christianity,

- (4) the appellant would sign such an undertaking as he had no genuine interest in the Christian faith either before or since his arrival in the United Kingdom
- (5) it was highly unlikely that the appellant would be detained for a long time or ill-treated.
7. The judge did accept that the Facebook and other social media content the appellant had posted had become known to the Iranian authorities but that the appellant had done so to bolster and embellish a wholly unsubstantiated and unmeritorious claim.
8. For the reasons set out in Judge Rintoul's earlier decision, the decision of the First-tier Tribunal was set aside on the basis that the judge had failed to explain why he rejected the evidence of Mr Peddle

The hearing on 20 October 2022

9. We heard evidence from the appellant and Mr Cox, an elder at the Swindon Christadelphian church. We also had before us a bundle of relevant background material and the respondent's bundle.
10. The appellant adopted his witness statement, adding that he had continued to attend the Christadelphian Church in Ealing after the last hearing, continuing to attend their services via Zoom after he was moved to Swindon in December 2021, and first attended the Christadelphian church there in February 2022. He was not sure why he had not contacted them earlier.
11. The appellant said his witness could confirm he had attempted to bring people to the church in Swindon, and that he does take some classes for a group of 10 to 12 Iranians in Swindon most of whom are seeking asylum. He said he is in contact with family in Iran every six weeks and that none of his family had been contacted by the authorities about his posts.
12. In response to our questions, the appellant said he had moved from mainstream Christianity to Christadelphianism as he found its beliefs to be more in line with his own. He was able to explain some of the differences to us. He also said that Easter was important but for the Christadelphians was just for remembering Christ's resurrection which they do every Sunday.
13. Mr Cox adopted his letter, adding that he is the lead elder and secretary of the Christadelphian church in Swindon. He said that the appellant would not be able to break bread and share wine as they do to remember Christ on Sundays as there are no Christadelphian Churches in Iran, the point of that being communal worship.
14. Cross-examined, Mr Cox said that he believed the appellant arrived in Swindon in December 2021, and that he had contacted his colleagues at the Christadelphian church in Ealing to say he had joined them and to confirm his attendance there, learning he had attended there mainly via Zoom. He said he thought the appellant had not contacted them earlier as he had been attending the meeting in Barnet via Zoom.

15. He was not surprised that the appellant had not yet been baptised, as some people take longer than others, and need to be sure that you are ready to undertake the life-long commitment that comes from baptism. He explained there is a rigorous test and examination to prove your sincerity before being baptised. The appellant had been through a 22 lesson and a 40 lesson course first.
16. Mr Cox said he had considered if the appellant was adopting Christianity to bolster his claim but once he got to know him, he found him to be sincere.
17. He confirmed that the appellant had lead study groups and acts as interpreter at the Farsi language Tuesday class which is mostly Iranians and a few Iraqis, the majority of whom are asylum-seekers. When they had had the first 2 or 3, he was concerned that the church was being used but not now.
18. Mr Cox said he had not attended any previous hearings to support people and would attend if asked. He had not viewed the appellant's Facebook page. There was no Christadelphian social media code, but he thought it was the best way to get things across. If the elders did not agree with what the appellant said, and there were a few who speak Farsi, then they would say.
19. Mr Cox confirmed that for Christadelphians, there was no need to celebrate Christmas or Easter as the latter is remembering the death and resurrection of Christ which they do each Sunday. They do not condemn those who do.

Submissions

20. Mr Melvin submitted that although there was no issue with Mr Cox's credibility, there had been an attempt to hoodwink the church. There was no evidence either beyond the church elders to confirm the appellant's account. He submitted further that there was no direct evidence of the appellant evangelising or leading bible classes. He drew attention to the fact that there had been no attempt by the Iranian authorities to contact the family and that on return the appellant would be able to be interviewed in Farsi.
21. Ms Allen submitted that the appellant was a genuine convert and had continued to follow the faith he had followed at the last hearing. There was no reason not to believe Mr Cox, and that the church had accepted the need to screen out those seeking to use it. Weight could be given to the appellant's evidence, and on any view, he was at risk on return, given he would be questioned.

The law

22. It is for the appellant to demonstrate he has a well-founded fear of persecution, to the lower standard.
23. In assessing the appellant's claim, we have done so in the light of the background evidence, and in particular with regard to the most recent

guidance in PS (Christianity- risk) Iran CG [202] UKUT 00046. We have also had regard to MH (review; slip rule; church witnesses) Iran [2020] UKUT 125 and XX (PJAK - sur place activities - Facebook) Iran CG [2022] UKUT 23 (IAC). It has not been submitted to us that we should depart from the guidance given in those cases.

24. Of note also is the material in the most recent CPIN “Iran: Christians and Christian converts” of September 2022 which post-dates PS (Iran). It is noted at section 6.4 that:

6.4.4 Open Doors noted in its January 2022 report that: ‘Security services in Iran monitor social media for Christian-related texts and record such posts as evidence prior to an arrest. Christians have been confronted with private messages and posts during interrogation. Although this mostly concerns converts, there is also a risk for other types of Christians, as sharing Christian messages can be interpreted as acts of proselytization, especially when written in Persian.’

6.4.5 The same report noted ‘Due to the high surveillance of all media, accessing Christian materials comes at a risk. The authorities monitor Christian broadcasts and Internet presence and use them to discover and track converts.’

25. That must be viewed through the lens of XX (PJAK - sur place activities - Facebook) Iran CG [2022] UKUT 23 (IAC) but it is indicative of the level of interest the Iranian authorities show in Christian converts, and it is of note also at section 6.2 that the hostility towards converts is informed by the view that they are evangelical Zionists
26. The starting point for the findings of fact we must make is the preserved facts from the decision of the First-tier Tribunal.
27. The judge accepted the appellant is Kurdish, and that he would be asked about conversion to Christianity, as the appellant would mention that that was the basis of his claim. He found also that it would have come to their attention because he has an that he had been actively promoting Christianity.
28. We have no reason to doubt the evidence of Mr Cox which was detailed and withstood cross-examination. Given that he had checked the appellant's details with the church in Ealing, and that it was they who suggested a local church in Swindon, we draw no inferences from any apparent delay in the appellant contacting the church in Swindon. Equally, we consider that the process by which the appellant was inducted into the church was a rigorous one, given the amount of study undertaken. We reject the submission that inferences can be drawn from the relatively short period taken to baptism in Swindon; that is consistent with the appellant having studied in Ealing and following up in Swindon, not starting there.
29. We accept that the appellant was examined by three elders as to his faith before being baptised. That was of 1 ½ hours duration and in English. We

do not accept that this was any the less rigorous due to the appellant's limited English, and it was not put to Mr Cox that that was so.

30. We accept that the appellant has assisted in leading study classes with other Iranians, and Mr Cox is a direct witness to that. The evidence of the appellant seeking to draw others to the faith is less clear.
31. Have Mr Cox and the other elders been "hoodwinked" as Mr Melvin submits? There is no recognised methodology by which the genuineness of an individual's conversion from one faith to another can be measured, nor can that question properly be categorised as belonging to a field of knowledge or science. What we can be sure of is that the appellant has undergone a lengthy period of instruction, and a rigorous examination of his beliefs, before being baptised. That is not always so in other churches. We have evidence that he leads meetings and study groups. It is accepted that he has made extensive posts on Facebook with a Christian if not necessarily Christadelphian message. But, we bear in mind he has not been truthful about what he did in Iran, and this is a continuation of a profession of conversion to Christianity. His evidence, compared to that given to the First-tier Tribunal, is of greater commitment to the extent of being baptised and leading study groups but that all post-dates the significant adverse findings as to his credibility. We find that indicative of further bolstering of a claim to be a convert to Christianity.
32. That said, we bear in mind that the evidence of Mr Peddle and Mr Cox as to the appellant's commitment is consistent. Mr Cox's evidence was forthright and considered. He explained he had had doubts but that these had been dispelled.
33. We find that the appellant has shown the outward signs of conversion. We find also that he has shown commitment to the Christadelphian church, and has satisfied its elders that he is sincere, a conclusion they reached after extensive contact with him and a rigorous interview. The approach of the church is however not forensic, nor could it be. We have no doubt that Mr Cox believes that the appellant is a sincere and committed member of the Christadelphian church, and we take that into account and attach significant weight to it.
34. Standing back from the detail of the evidence, we are faced with two possibilities: either the appellant is feigning a sincere conversion, or he is currently committed to his faith. We cannot of course know his true intentions at present or whether he would maintain any faith on return to Iran, nor how, in the absence of any Christadelphian church there he would conduct himself.
35. If the respondent is correct, then the appellant is an accomplished deceiver who has put significant effort into creating and maintaining over an extended period a false narrative of having converted to Christadelphianism and not a branch of the Christian faith which is less rigorous in whom it chooses to baptise and in how it prepares them for that.

36. The difficulty in this case is that there is no Christadelphian church in Iran, and it is not accepted that the appellant has had any involvement with a house church in Iran, not that he would be able to attend such a place without difficulty, given that for the reason set out below it is likely he would be compelled to sign a declaration that he would not be involved again with Christianity, thus placing him at risk if he did attend.
37. But, in any event, for the reasons set out below, it is unnecessary for us to determine if the appellant is a genuine convert. Applying PS (Iran) and HB (Kurds) Iran CG [2018] UKUT 430 we find that the appellant would be at risk, even were his conversion not genuine for the reasons set out below.
38. As noted in PS (Iran) (headnote, [4]) and in HB(Iran) there is a danger at the “pinch point” of return to be considered. We recall what was stated in PS (Iran) at [113] to [114]:

113. We are satisfied that a returnee who had made a false claim of conversion would be reasonably likely to excite sufficient interest to warrant further questioning. His is an asylum claim that is likely to have depended on *sur place* activities, including baptism and attending church, *prima facie* evidence of a crime under Iranian law. The evidence overall indicates that the security services follow a specified procedure when it comes to Christians: they are taken in and required to sign the undertaking. It does not seem likely to us that this procedure would be followed standing at an arrivals desk, even if the subject was protesting that it was all false and that he was perfectly willing to sign. A returnee is not someone who has been picked up on an Iranian street. He is someone who has just come back from the United Kingdom, possibly having spent a considerable amount of time here; the Iranian security services perceive there to be a clear link between Christianity and attempts by the West to undermine the Iranian state. These factors cumulatively give rise, in our view, to a “particular concern” such that a transfer to second-line questioning would be likely.

114. What then? The person tasked with conducting that interrogation will be one who, to put it bluntly, will know what he is doing. It is an important job. His task will be to ensure that this returnee is not in fact a Western spy, or someone otherwise deployed to engage in subversive activities such as organising prayer meetings. The returnee will be asked to sign the undertaking. There being no reason for him to refuse, he will do so. He will explain that yes, he attended church in the United Kingdom, and yes, he may have been baptised, but in fact it was all a charade to try and get asylum so that he could settle and work in the United Kingdom. The Iranian security services are no doubt well aware that people make such claims (the Iranian embassy in London only need read certain newspapers to know that this is a concern).

39. We recall also that it is accepted here that the appellant is of Kurdish ethnicity; that he will be questioned about the reasons for his claim; and, that his Facebook posts are known. Being Kurdish in this context is a risk factor, albeit that there are no indicators of overt support for Kurdish political causes, but we recall the context in which Christian conversion is seen as political Zionism.

40. Assuming the appellant's conversion is not sincere, he would have no difficulty if asked to sign a declaration to renounce his faith but he could not hide the overt social media content indicative that he had actively promoted Christianity, and we bear in mind that it is in Farsi.

41. In that context we consider the factors identified in the headnote of PS (Iran) at [4]:

If there are any reasons why the detention becomes prolonged, the risk of ill-treatment will correspondingly rise. Factors that could result in prolonged detention must be determined on a case by case basis. They could include but are not limited to:

(a) Previous adverse contact with the Iranian security services;

(b) Connection to persons of interest to the Iranian authorities;

(c) Attendance at a church with perceived connection to Iranian house churches;

(d) Overt social media content indicating that the individual concerned has actively promoted Christianity

42. Here, (d) is relevant given the findings of fact made by the FtT, and the material set out at [25] above. The list is not a closed list.

43. We consider also, that in the circumstances of this case, the appellant's ethnicity is also a risk factor. In HB(Iran) it was held that Kurdish ethnicity is a factor of particular significance when assessing risk and at [94] the panel stated:

94. We accept what Ms Enayat says at [53] of her report, namely that "it is quite evident that the increased militancy of the Kurdish parties coupled with the IS attack of July 2017 will mean greatly enhanced suspicions of any Kurdish returnees". Professor Joffé's evidence was to like effect

44. In this case, it is the unique combination and cumulative effect of these factors which relate to this appellant which persuade us that he is at risk of prolonged detention and serious ill-treatment on account of his ethnicity and/or perceived religious beliefs.

45. For these reasons, the appellant is at risk of persecution and ill-treatment of sufficient severity to engage article 3 of the Human Rights Convention. We therefore allow his appeal on those grounds. We formally dismiss his appeal on humanitarian protection grounds as he is entitled to refugee status.

Notice of Decision

1. The decision of the First-tier Tribunal involved the making of an error of law and we set aside.

2. We remake the appeal by allowing it on asylum grounds and on human rights grounds
3. We dismiss the appeal on humanitarian protection grounds.

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.

Signed

Date 11 November 2022

Jeremy K H Rintoul

Upper Tribunal Judge Rintoul



IAC-FH-CK-V1

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

Appeal Number: PA/03537/2020

THE IMMIGRATION ACTS

**Heard at Field House
On 1 February 2022**

Decision & Reasons Promulgated
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Before

UPPER TRIBUNAL JUDGE RINTOUL

Between

**E P
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr D Coleman, Counsel instructed by ~~Duncan Lewis & Co Solicitors (Sackville House London)~~ Freedom Solicitors¹

For the Respondent: Mr T Melvin, Home Office Presenting Officer

DECISION AND REASONS

1. The appellant appeals with permission against a decision of First-tier Tribunal Judge Traynor promulgated on 5 July 2021 in which the judge dismissed his asylum and protection claim.
2. The appellant is a citizen of Iran. He is of Kurdish origin although he gave evidence in Farsi and it is his case that he is at risk on return to Iran

¹ Amended pursuant to the “slip” rule, rule 42 Tribunals Procedure (Upper Tribunal) Rules 2008

because of his conversion to Christianity in Iran, a faith which he pursued in the United Kingdom. Since his arrival in the United Kingdom become involved with the Christadelphian Church and is undergoing a course of instruction said to be leading towards baptism and to be an active member of the Christadelphian community in Ealing.

3. The Secretary of State did not accept the appellant's account of his conversion to Christianity or his account of what had happened to him in Iran. At paragraph 34 of in the refusal letter makes there is a list of the facts which are found to be proven which includes only the appellant's nationality.
4. The judge heard evidence from the appellant and also Mr Peddle, who is an elder in the Christadelphian church and he provided a letter in support signed by him and another church elder, Dr Stephen DeWilde. The judge made adverse credibility findings in respect of the appellant. He did not accept the appellant's account of having become involved in Christianity in Iran, he did not accept his involvement within the Christadelphian faith in the United Kingdom was genuine and he did not consider that he had properly become a convert to Christianity, be it in Christadelphian profession or otherwise.
5. The judge found that the appellant had in effect pretended to convert to Christianity, that this was not in good faith, that his postings on Facebook which were on an open page would be seen as part of an unmeritorious claim designed to create an impression that he was a convert to Christianity.
6. The judge found that:
 - (1) the appellant's evidence had been entirely unreliable and he had not left the country unlawfully;
 - (2) the appellant had provided self-serving statements regarding his inability to deny his newfound Christian faith if returned to Iran and there is nothing sincere or genuine about his claimed conversion
 - (3) whilst the appellant might be questioned on return including why he claimed asylum, it is unlikely following the country guidance in PS (Christianity – risk) Iran CG[2020][UKUT 00046 that anything more would happen to him than being asked to sign an undertaking renouncing his claimed Christianity,
 - (4) the appellant would sign such an undertaking as he had no genuine interest in the Christian faith either before or since his arrival in the United Kingdom
 - (5) it was highly unlikely that the appellant would be detained for a long time or ill-treated.
7. The judge does, however, appear at paragraph 76 to accept that the Facebook and other social media content the appellant had posted had

become known to the Iranian authorities but that the appellant had done so to bolster and embellish a wholly unsubstantiated and unmeritorious claim.

8. The appellant sought permission to appeal on four grounds:
 - (1) the Secretary of State had in fact accepted that the appellant had converted to Christianity in Iran and that accordingly the appellant had not been able properly to prepare for the appeal as he had done so in the background that that part had not been challenged, leading the judge to read more into the refusal letter than was there.
 - (2) the judge had erred following on from ground 1 that he was not asked about his attendance at house churches and the findings at paragraph 64 were undermined, the judge also making a factual mistake as to the appellant's place of origin, stating it was Afghanistan.
 - (3) the judge had unfairly and unreasonably expected the appellant to corroborate his account which he would not have been able to do so.
 - (4) the judge had failed to make proper findings in respect of Mr Peddle and failed to take that into account holistically in assessing whether the appellant was a genuine convert; and, in finding that the appellant's social media postings would not attract the adverse attention of the Iranian authorities, had not followed AB and Others (internet activity – state of the evidence) Iran [2015] UKUT 00430 or noting that, following HB (Kurds) Iran CG [2018] UKUT 430 the Iranians adopt a hair-trigger approach to Kurds returning to Iran in which context the fact that he had claimed conversion to Christianity and/or his Facebook posts would result in him suffering ill-treatment of sufficient severity to engage the Refugee Convention.
9. I have had the benefit of a skeleton argument from Mr Melvin and I have also been supplied with the letter from Mr Stephen Peddle which had not been on file.
10. I deal with the grounds in turn. I find no merit in ground 1. It is manifestly clear from the refusal letter that the Secretary of State did not accept that the appellant had converted to Christianity. If that is what the appellant believed then he was entirely wrong to do so and there is no proper basis on which those advising him could have concluded that was so, given sole matter listed under the heading of "facts accepted" is the appellant's nationality.
11. Second, it cannot in those circumstances have been unfair for the hearing to then go on to consider credibility and whether the appellant had converted to Christianity in Iran. If that had been seen as a procedural defect or unfairness, then, the proper time to raise that was in the hearing to permit the judge to make a comment or ruling. That was not done. For

these reasons and is it is a significant extent parasitic on ground 1 I there is no merit in ground 2. And, in any event, the judge had the benefit of hearing evidence from the appellant and it was open to him to reach the findings he did about the information given about how the appellant had decided to convert and what he had done in the house church in Iran and so on. I therefore find no merit in ground 2.

12. Turning then to ground 3, again, this is of limited merit and was not pursued before me to any extent although Mr Coleman did not resile from it. I consider that that the judge was entitled to draw inference from a failure to provide any evidence from Iran, albeit of course that he could not prove evidence of facts that the people would not have known. I therefore find no merit in ground 3.
13. Ground 4. The judge did at paragraphs 38 to 49 set out in significant detail the evidence of Mr Peddle who described seeing the appellant twice a week on a virtual basis and having met him twice and it details the appellant's participation and that he is a regular attender. While I find no merit in Mr Coleman's submission that the judge erred in not noting that a large number of the people were present on the Zoom call services, screenshots of which were provided to the judge, were Iranian, I do find merit in the observation that the judge has not made any proper findings with regard to Mr Peddle's evidence and the extent to which he believed it. Whilst I note Mr Melvin's submission that Mr Peddle had only met him twice, he did say he there were virtual meetings which were greater in number and over a significant period of time.
14. It is, I consider, difficult to understand from the decision why the judge rejected the evidence of Mr Peddle as he clearly did. He says little more than saying notwithstanding his evidence indicative given the earlier comments that he had in effect reached conclusions about the appellant's credibility anyway and it does not appear to have occurred to him to consider whether even if that was not true the conversion in the United Kingdom was true.
15. That said, I consider that the stronger point in the grounds is that the judge accepted that the appellant would be detained on arrival for a short period at least and questioned about why he claimed asylum. The judge accepted that the appellant's Facebook postings would have been accessed; it is clear from what he says at paragraph 76 that he so found as he then goes on to say how they would be viewed by the Iranian authorities. The judge provides no proper basis for concluding that the Iranian authorities might treat the postings as an attempt to bolster and embellish a weak claim. It also fails to take into account what was said in HB about the hair-trigger instincts particularly when it comes to Iranians of Kurdish origin.
16. The judge had accepted the appellant is Kurdish, and that he would be asked about conversion to Christianity, as the appellant would mention that that was the basis of his claim. He found also that it would have come to their attention because he has an that he had been actively promoting

Christianity. It is in the circumstances difficult to see how the judge could have concluded in the light of what was said in HB that the appellant was not at risk and accordingly I find for that reason that the decision of the First-tier Tribunal involved the making of an error of law and I set it aside.

17. Given the limited nature of the findings in respect of the grounds of challenge, I am satisfied that the appeal should be remade in the Upper Tribunal, on the basis that the findings in respect of credibility, and as to the activities undertaken in Iran (or lack thereof) are preserved. The Upper Tribunal will make fresh findings as to the appellant's involvement in the Christadelphian Church, whether he has converted to that faith, and whether any such conversion is genuine. The Upper Tribunal will also make findings as to the risk on return, bearing in mind HB, and XX (PJAK - sur place activities - Facebook) Iran CG [2022] UKUT 23 (IAC).
18. The Upper Tribunal will be assisted by further, up-to-date evidence from the appellant and his church as to his activities/progression in the faith since the last hearing, particularly as he was due to have been baptised.

Notice of Decision

19. The decision of the First-tier Tribunal involved the making of an error of law and I set aside.
20. The appeal will be remade in the Upper Tribunal on a date to be fixed
21. The appeal will be listed with a time estimate of 3 hours and a Farsi interpreter will be booked.
22. Any additional evidence upon which either party seeks to rely must be served on the other party and on the Upper Tribunal at least 10 working days before the next hearing.

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.

Signed

Date 4 February 2022

Jeremy K H Rintoul

Upper Tribunal Judge Rintoul