



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

Appeal Number: AA/03645/2015

**THE IMMIGRATION ACTS**

**Heard at : IAC Manchester**

**Decision and  
Promulgated**

**Reasons**

**On : 1 April 2016**

**On 13 April 2016**

**Before**

**UPPER TRIBUNAL JUDGE KEBEDE**

**Between**

**TOOMAJ JAHANI**

Appellant

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr R Skyner, instructed by Lei Dat & Baig Solicitors  
For the Respondent: Mr A McVeety, Senior Home Office Presenting Officer

**DETERMINATION AND REASONS**

1. The appellant is a national of Iran born on 1 July 1980. He arrived in the United Kingdom on 26 September 2014 and claimed asylum. His claim was refused on 9 February 2015 and a decision was made the same day to refuse

leave to enter the UK. The appellant appealed against that decision. His appeal was dismissed in the First-tier Tribunal. Permission has been granted to appeal to the Upper Tribunal.

### **The Appellant's Case**

2. The appellant claims to be at risk of persecution in Iran on the basis of his conversion to Christianity from Islam. He claims that his father was executed in 1988 for attempting to leave Iran illegally and following that he was blacklisted. He was arrested himself in 2003 when attempting to leave the country and was taken to the Revolutionary Court and then to the Etalaat building where he was interrogated and beaten and then released. In December 2013 he informed his family that he was thinking of converting to Christianity and in March 2014 he converted. His family members converted subsequently. In June (or August) 2014 he attended a Christian meeting in someone's house which was raided by Sepah officers. He managed to flee, but left behind his bag containing his identity and insurance documents. These were found by the officers who then raided his house. He was not there at the time but his mother told him. He went into hiding for two months until his uncle arranged for an agent to take him to Turkey in August 2014. From there he travelled to Germany and then to the UK.

3. The respondent, in refusing the appellant's claim, did not accept his account of having converted to Christianity given his lack of knowledge about the Christian faith. His claim to have been arrested when trying to leave Iran was also rejected, as was his claim to have been caught practising the Christian religion. The respondent did not accept that the appellant would be at risk on return to Iran and considered that his removal would not breach his human rights.

4. The appellant appealed against that decision. His appeal was heard by Judge Malik in the First-tier Tribunal on 8 May 2015 and was dismissed in a decision promulgated on 3 June 2015. Judge Malik recorded the appellant's evidence including his claim that he was baptised in the UK on 1 February 2015. She also set out the evidence of Reverend John Bradbury, the Minister of Farnworth Baptist Church, who supported the appellant's claim, confirmed his weekly church attendance and stated that he sincerely believed that he was a genuine convert. The judge noted that the appellant's claim was pursued solely on the basis of his conversion to Christianity, but in any event she found his account of his arrest in 2003 when attempting to leave Iran to be lacking in credibility and she did not accept that he had been blacklisted. She found it implausible that the appellant would have taken his identity and car insurance documents with him, and left them behind, when attending a church meeting. She found his account of having escaped and remained undetected for two months to undermine his account of being pursued by the authorities. She did not accept his account of having converted to Christianity, nor his account of his mother's conversion, and found his account of his departure from Iran to be inconsistent. The judge accepted that the appellant had been baptised in the UK but was not satisfied that he had not sought to put forward a claim to have

converted to Christianity in order to bolster a false asylum claim. She did not accept that the appellant would be at risk on return to Iran and she dismissed the appeal on all grounds.

5. Permission was sought on behalf of the appellant to appeal to the Upper Tribunal, on the grounds that the evidence of Reverend Bradbury was material to the question of the appellant's genuine conversion to Christianity but the judge had assessed his evidence only briefly; that the judge had erred in her rejection of the appellant's claim to have been blacklisted; and that the judge had failed to give proper consideration to the appellant's explanation for not being able to give the date of his conversion to Christianity.

6. Permission to appeal to the Upper Tribunal was granted on 24 June 2015, primarily with respect to the first ground.

7. Mr Skyner, in his submissions, reiterated the first ground. Mr McVeety acknowledged that the judge's findings in regard to the Reverend's evidence were brief, but submitted that this case differed from other conversion cases in that the appellant's claim was that he had converted in Iran and not in the UK. The judge had given good reasons for rejecting the appellant's account of his conversion in Iran and that had not been challenged in the grounds. Mr Skyner, in response, submitted that the judge was still required to give full consideration to the circumstances in the UK.

8. I advised the parties that I did not consider there to be any errors of law in the judge's decision. My reasons for so concluding are as follows.

### **Consideration and findings.**

9. Judge Malik set out the appellant's evidence at length, together with the respondent's reasons for rejecting his claim and the appellant's response to the respondent's concerns. At [15] to [17] she noted his response to the respondent's comments about his lack of knowledge of the Christian faith and the vague nature of his evidence about when he converted. At [18] to [21] she noted the appellant's response to other aspects of his claim which the respondent did not find credible. She also had regard to the documentary evidence produced by the appellant in support of his claim and made reference in particular to the medical evidence produced in the appeal bundle. Whilst she did not specifically refer to the other documentation, it seems to me that the majority of the background information in the appeal bundle concerning religion in fact related to Judaism rather than to Christianity.

10. The judge then went on, in her decision, to give various reasons for finding the appellant's account of his conversion to Christianity, his mother's conversion, his attendance at and escape from a church meeting and the adverse interest in him by the Iranian authorities to be lacking in credibility. Having, myself, had regard to the judge's record of the appellant's evidence about his religion and his response to the respondent's adverse findings, it seems to me that the judge was entitled to reach the adverse conclusions that

she did on the basis of the evidence before her. Indeed, aside from seeking, at the end of the grounds, to provide an explanation for not being able to give the exact date for his conversion to Christianity, the grounds of appeal, as Mr McVeety submitted, do not in fact seek to challenge the judge's adverse findings in respect to the appellant's conversion and related experiences in Iran.

11. Having thus, for reasons properly given, found the appellant's account of his association with the Christian faith and his experiences in Iran to be lacking in credibility, the judge was entitled to approach the evidence of his involvement in the church in the UK on the basis that she did. She plainly gave full consideration to the evidence of Reverend Bradbury, setting it out in detail at [24] and [25], but she was entitled to give the weight that she did to his evidence. She did not doubt the sincerity of the Reverend but, whilst noting and appreciating the Reverend's own view of the appellant's motives, she was nevertheless not obliged to accept his views and was entitled to draw her own conclusions about the appellant's true intentions and motivation. Thus, whilst the judge's findings at [37] are brief, they have to be taken in the context of her assessment of the evidence and her findings as a whole. Accordingly I would agree with Mr McVeety's submission that the judge was entitled to reach the conclusions that she did in relation to the appellant's interest in and adherence to the Christian faith. I find no errors in the judge's approach to the Reverend's evidence and I find no errors of law in the judge's decision.

## **DECISION**

12. The making of the decision of the First-tier Tribunal did not involve an error on a point of law. I do not set aside the decision. The decision to dismiss the appeal stands.

Signed  
Date

Upper Tribunal Judge Kebede