



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

Appeal Number: AA/11585/2014

THE IMMIGRATION ACTS

**Heard at Field House
On 10 September 2015**

**Decision & Reasons Promulgated
On 11 September 2015**

Before

DEPUTY UPPER TRIBUNAL JUDGE CHAPMAN

Between

Mr Hamidi ABDULLAHI

Appellant

v

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr K Gayle, Elder Rahimi solicitors

For the Respondent: Ms K Pal, Senior Home Office Presenting Officer

DECISION & REASONS

1. The Appellant is a national of Iran, born on 17 September 1974. He is a Sufi of the Qaderi order. He came to the United Kingdom on 15 December 2012 as a student and made an asylum claim on 31 December 2013 after he was informed that a property he owned in Karaj, Iran, had been raided by plainclothes police on 13 November 2013 because it was being used for a Sufi meeting and those attending the meeting had been arrested and the property sealed. He had also written Sufi articles which had been seized. This application was refused on 15 December 2014 and the appeal came before Judge of the First Tier Tribunal Freer for hearing on 27 March 2015.

2. In a determination promulgated on 7 April 2015, the Judge dismissed the appeal on the basis that the property in question of 70 square metres would have been too small for fifteen Dervishes to meet and “pray and so on” [51]; that the Appellant failed to show that he had any connection with the specific address mentioned in the new reports in translation [53] and whilst he accepted the evidence that the Appellant is a Sufi he did not accept that this would give rise to persecution in Iran [60-63]. He further failed to place weight on the property ownership document because it is dated from 2007 [48]

3. Permission to appeal was sought on a number of grounds, but in particular challenged the adverse credibility finding and asserted that the Judge made material errors of fact as to whether or not the Appellant had written the articles concerning Sufism; in preferring his own knowledge of Sufism to that of the Appellant without testing the Appellant’s knowledge; in failing to place appropriate weight on the news reports of the raid on the mistaken basis that they were not independent; in engaging in “highly dubious” statistical analysis as to the number of Sufi meetings taking place in Karaj the same night; in failing to accept that the Appellant still owned his property in Karaj absent further corroborative evidence post 2007; in failing to accept that the raid took place on the Appellant’s home, given the manner in which raids are reported in the media; in finding that the Appellant is a low level Sufi when in fact he is a dervish, which was confirmed by the documentary evidence and in failing to take account of the country evidence that clearly documents the increasing persecution of Sufis in Iran. Permission to appeal was granted by Judge Pooler on 30 April 2015 on the basis that the grounds were arguable.

4. Having heard from Mr Gayle and Ms Pal, who acknowledged that at [42] the Judge was “overstepping the mark” in referring to his own knowledge of Sufism, I find that First Tier Tribunal Judge Freer erred materially in law. Whilst I accept Ms Pal’s submission that Judge Freer provided detailed reasons for some of his findings I consider that the Judge fell into error in undertaking unduly detailed analysis eg at [47] as to the number of Sufi members in Iran, the population of Karaj and consequently the likely numbers of meetings in Karaj the same evening, concluding that “*the odds could be as much as a thousand to one against it being the same meeting*”. This is essentially speculation and cannot properly be invoked as a reason for rejecting the Appellant’s account, which was supported by both independent and subjective evidence, that his property was raided. At [48] the Judge notes that the Appellant produced a property ownership document from 2007 but disregards this on the basis that it had not been shown “*by any independent and objective evidence*” that this address was still in the ownership of the Appellant. At [51-52] the Judge again engaged in speculation as to the number of Dervishes could fit into a property of 70 square metres given he was not aware of “*the physical sizes of those attending*” and that they would wish to pray and would need room to move as “*Islamic prayer practices are*

very physical." This is speculation and is neither appropriate nor provides proper reasoning for rejecting the Appellant's account. Essentially the Judge failed to consider both the Appellant's credibility and his case as a whole "*in the round*".

5. Having indicated my finding that the First Tier Tribunal Judge had erred materially in law it was agreed by both parties that the appropriate course would be for the appeal to be remitted back to Taylor House for a hearing *de novo* to be heard by a Judge other than Judge Freer.

Deputy Upper Tribunal Chapman

10 September 2015