



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: AA/11614/2014

**THE IMMIGRATION ACTS**

Heard at Bradford  
On 22<sup>nd</sup> July 2015

Decision and Reasons Promulgated  
On 30<sup>th</sup> July 2015

Before

DEPUTY UPPER TRIBUNAL JUDGE KELLY

Between

MR HAMIDREZA BAGHERI  
(ANONYMITY NOT DIRECTED)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

**Representation:**

For the Appellant: No appearance by or on behalf of the appellant

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

**DECISION AND REASONS**

1. The appellant appeals against the decision of Judge Mensah, promulgated on the 26<sup>th</sup> February 2015, to dismiss his appeal against the respondent's refusal to grant him asylum and decision to remove him from the United Kingdom.
2. There was no attendance by or on behalf of the appellant at the hearing before me. By letter dated the 8<sup>th</sup> July 2015, the appellant's representatives notified that the Tribunal that they were coming "off record" due to the failure of the appellant to provide them with instructions following the grant of permission to appeal. I noted that the

appellant had been personally served with notice of the hearing at the address provided for this purpose in his Notice of Appeal. In all the circumstances, including the fact that grounds setting out the legal challenge to the decision had been drafted by very experience Counsel, I decided that it was fair to proceed to decide the appeal in the appellant's absence.

3. The appellant is a citizen of Iran who was born on the 24<sup>th</sup> March 1986. His claim for asylum may be summarised as follows. He converted to Christianity having met and become romantically involved with a woman called 'Fateme' in around January 2014. Around five months into this relationship, Fateme informed him that she was a Christian convert. He was shocked and upset at first, but quickly decided to do whatever was necessary to preserve the relationship. He therefore attended a house church meeting with Fateme on the 8<sup>th</sup> May 2014. This led to his decision to convert. He informed his father of his decision to convert and of his wish to marry Fateme. On the 19<sup>th</sup> June 2014, the authorities raided a house church meeting. He was able to escape because he was in an outside toilet at the time. However, he fears that Fateme (from whom he has not since heard) was arrested with the others. On returning home, he informed his father of what had occurred and his father arranged for him to leave Iran. He travelled to the United Kingdom (via Turkey) where he arrived on the 12<sup>th</sup> July 2014. He fears ill-treatment on return as an apostate who has converted from Islam to Christianity.
4. Judge Mensah did not believe the appellant's account. Her reasons are contained at paragraphs 13 to 18 of her decision:
  - 13 At paragraphs 8 & 9 of the Refusal Letter it is accepted that the appellant is an Iranian national given he speaks Farsi which is the national language of Iran and his knowledge about Iran was consistent with the country information. I accept the appellant is a national of Iran.
  14. The appellant claims that on 11 February 2012 he was arrested for breaching the peace and being involved in a fight, breaking a car window and stealing a car stereo. He claims that he was sentenced to 88 lashes. At paragraph 11 of the Refusal Letter it was accepted that the appellant had given a reasonably detailed and plausible account but the timeline he had provided equated to 1 nights detention when he had asserted he had been detained for 3 days. When this was put to him in interview he averred it was a single day.
  15. At the hearing the appellant was asked if there was any connection between this event and his claim that the authorities were now looking for him. I understand from his evidence that he is claiming that the authorities will impute anti-government views to the appellant not only because his identity papers were discovered in a church house but also because he had been drunk and disorderly on Independence Day on 11 February 2012. I have therefore decided it is appropriate to consider this incident in the round of the rest of the evidence.
  16. The appellant claims that he was born a Muslim, that he did not practice his religion and began a relationship with a woman outside of wedlock in January 2014. He claims to have discovered that she had converted to Christianity and was secretly attending house church meetings. Despite the obvious risks he explained in the interview that he had decided to do whatever it took to make his

relationship with Fatemeh work and so agreed to attend a house church meeting with her. I find the claimants' account as to why he began attending a house church as contradictory and inconsistent with his evidence as to what happened when he fled Iran. At the hearing he was asked about the contact he had had with anyone in Iran since he had left. His evidence being that he had fled Iran without knowing what became of Fatemeh and those arrested at the house church. He explained that he had had contact with his family and they had informed him that the Iranian authorities had been looking for the appellant. In fact he had had multiple internet conversations with his family since he left and yet at no point does he appear to have asked his family what became of Fatemeh. I find it lacks credibility that the appellant would claim to be so in love and dedicated to Fatemeh that he would risk his own safety and attend a house church and yet appear to completely fail to make any enquiries as to what had happened to her after she was taken from the house church. This is compounded further by the fact that he disclosed to his father what had happened and therefore he had no apparent reason not to ask his father to find out what had happened to Fatemeh.

17. The appellant claims that on 8 May 2014 he attended a house church meeting. This is inconsistent with the timeline of first meeting Fatemeh and discovering she had converted to Christianity. At question 46 of the interview of 31 October 2014 the appellant repeated 4 times that he had been with Fatemeh 5 months before he had confronted her and discovered she had converted to Christianity. That would mean that he first knew in June 2014 and yet inconsistently he claims to have attended a house church on 8 May 2014, having met Fatemeh in January 2014.
18. The appellant claims that after attending 6 church meetings he had absorbed sufficient information about Christianity to satisfy him to convert. When screened by the Home Office the appellant was asked "what is your religion"? , he replied "Muslim". At the hearing the appellant was asked questions about his conversion and in particular when he decided to call himself a Christian. At the hearing he said it was one month before he came to the UK. The appellant claims he arrived in the UK on 12 July 2014 and therefore his evidence to me was that he decided to become a Christian sometime in June 2014. In the interview at question 60 on page B15 the appellant claims that he decided he wanted to become a Christian on 8 May 2014. It was argued that the question led the appellant to give that date as the date he wanted to become a Christian but had not yet become one. He went on to say that even at the date of the interview on 31 October 2014 he could not claim to be a true Christian then and that was why he said he was Muslim in the screening interview. I find the appellants' explanation in interview inconsistent with his evidence to me that he had decided to call himself a Christian in or around June 2014. I therefore do not accept that his answer in interview can be explained as his misunderstanding or being misled. This is important because the appellant has argued that he lacked knowledge of Christianity and answered questions incorrectly because he had not completed his conversion to Christianity. I find it implausible that a man would call himself a Christian in June 2014 and then a Muslim on 12 July 2014, I further find it lacks credibility that he would make the decision to call himself a Christian when he wrongly believed that Christmas formed part of Easter, could not name the disciple who betrayed Jesus, or quote a passage from the Bible. It is argued that he did provide a number of correct answers regarding Christianity

and that this should be given weight. I accept that weight should be given to the correct answers but consider the incorrect answers to be such an intrinsic part of the Christian faith that it overall undermines the appellant's credibility.

19. Turning more specifically to his account of attending a house church meeting on 19 June 2014 I have again found the appellant gave inconsistent evidence about that incident. In the interview the appellant described the house as a large house with a garden and within the garden at the end of it on the right hand side was a toilet and on the left hand side was a shed. One of the toilets being inside the property and the other being outside. At question 70 the appellant confirmed that the security forces had entered the house through the front and question 68 he confirmed he had been in the back yard in the toilet. When asked why the Sepah would not have raided the house from both the front and the back the appellant said that the walls were very high and he was not able to escape that way. However at the hearing the appellant was asked about the property and was asked if he had re-entered the property via the back door. The appellant told me that the property did not have a back door and only had one door through which he had re-entered. At question 79 at B18 he described his manner of re-entry and said that he pushed back the window and it was open and he entered the house through the window. I do not accept that the appellant could make such a fundamental mistake and find that he has given inconsistent evidence about how he re-entered the property which undermines his credibility. This is further compounded in interview when he stated that he had to pass his own chair to escape from the property (questions 81-83).
  20. The appellant claims that he is a genuine Christian convert and as evidence has produced a letter from St Georges Church in Leeds dated 3 November 2014 which confirms that the appellant attends meetings at the church and has done so since 7 October 2014, a short letter which is not on letter headed paper from a Daniel Abdi who describes himself as the Minister of the Bible at Jehovah's Witnesses Kingdom Hall, in which he stated the appellant had attended Persian class "for few times", a letter dated 9 January 2015 from Reverend Jonathan Clark stating that a Mr Majtaba Darzi had been given pastoral responsibility for Farsi speakers at St Georges Church, and finally a To Whom It May Concern letter from Mr Darzi confirming the appellant had attended several more meetings since the letter of the 3 November and that he believed that someone who declares by their mouth that "Jesus is Lord" and believes in their heart that God will raise them from the dead will be saved; therefore believing the appellant would be saved. I accept that the appellant has attended St Georges church and some Persian classes at Jehovah's Witnesses Kingdom Hall. I have no reason to doubt that Mr Darzi believes that if somebody verbally says Jesus is Lord and believes it then he believes they will be saved. I however have to decide whether I find the appellant credible based upon the consideration of the totality of evidence before me. Taking all of the evidence together I find the appellant has failed to establish his history is as claimed: his conversion is genuine, he left Iran illegally, is wanted by the authorities and therefore is at risk if returned. I reject the entirety of his claimed history other than he is an Iranian national.
5. I deal with the grounds of appeal against the above findings in turn.
  6. Firstly, it is argued that the judge acted unfairly by failing to give the appellant an opportunity to address the specific question of whether he had enquired after

Fatemeh's welfare with his parents before concluding that he had not done so. For her part, Mrs Pettersen was content to accept that the appellant had not been asked this specific question at the hearing, but argued that the judge was nevertheless entitled to conclude that it was reasonable to expect that he would have mentioned it either in his interview or at the hearing if he had in fact done so. I agree. Throughout the course of both his asylum interview and at the hearing of his appeal, the appellant was given ample opportunity to mention any concerns that either he or his parents may have expressed concerning Fatemeh's fate. By way of example only, Mr O' Ryan's noted that in the course of the Presenting Officer's cross-examination of the appellant, he had been asked whether his family had mentioned anything else happening beyond a previously-mentioned visit to the family home by the Iranian authorities some two days after his departure. I pause to note that this question was an entirely open one and was not in any sense limited in scope to matters touching and concerning the appellant's own welfare. Mr O'Ryan noted that the appellant replied to this by stating that the authorities had made enquiries about his whereabouts at the family home on some 2 to 3 occasions, as well as at the homes of neighbours and at the premises of the family business. The appellant appears to have been anxious to mention his particular concern that the authorities had cancelled his business insurance. By contrast, he made no reference at all to Fatemeh. In my view, the judge was entitled to infer from this that neither the appellant nor his parents had shown the slightest interest in Fatemeh's fate during the course of their mutual telephone conversations. She was not therefore required specifically to ask the appellant whether (and if not why) he had not done so.

7. Secondly, it is argued that (contrary to the finding of the judge) there was no material discrepancy in the appellant's account of the chronology of events leading up to his first attendance at a house church meeting, which he said had occurred on the 8<sup>th</sup> May 2014. Given the approximation of the timing of other events in the appellant's chronology, I agree that this finding was unsound. However, rather than characterise it as "irrational" (as in the grounds) I would prefer to hold that it was a finding that lacked evidential support. The remaining question, therefore, is whether this error affected the overall outcome of the appeal.
8. Under the heading "Conclusion", the application for permission to appeal 'commented' that although it is true that the judge gave two other reasons for finding that the Appellant's account was unreliable, it nevertheless 'observed' that -
  - (i) conversion is rarely something that happens overnight, and is an organic process in which precise timescale would rarely apply; and
  - (ii) differences in the Appellant's evidence as to the layout of the house Church is not a solid basis to reject his claim for international protection.
9. In my judgement, the above comments and observations are simply an undisguised attempt to re-argue the merits of certain aspects of the appellant's case. They do not purport to identify an "error of law". Thus, insofar as they merit analysis, I adopt the comments and observations that were made by Judge Cruthers in granting

permission to appeal. Having explained his decision in relation to the grounds considered above, he continued as follows:

“... more generally, the judge’s conclusions may be sustainable even without the points in her paragraph 16 and 17. In that connection, I note that the grounds (unsurprisingly) seek to significantly downplay the judge’s credibility reasoning. For instance, as I read the judge’s paragraph 18, there are two distinct credibility points in that paragraph (the second starting from “I further find ...”). And when one turns to the judge’s paragraph 18, one can see that her “layout point” may go to the heart of the appellant’s “escape account”, as well as to the question of whether the appellant ever attended a house church in Iran or not.

Referring to paragraph 20 of the determination, the appellant’s representatives will be aware of relevance cases such as Ali Dorodian (01/TH/1537), notified on 31 July 2001 and SJ (Christian Apostates Evidence) Iran [2003] UKAIT 00158, notified on 12 August 2003.”

10. I read Judge Mensah’s decision in the same way as did Judge Cruthers. I am thus satisfied that, with the exception of the finding that I considered at paragraph 7 (above), the judge’s findings of fact were each sustainable on the evidence that was before her, and that their combined effect was sufficient to justify the conclusion to which she came.

### **Notice of Decision**

11. The appeal is dismissed.

Anonymity is not directed

Signed

Date

Judge Kelly  
Deputy Judge of the Upper Tribunal