



IAC-AH-SAR-V1

**Upper Tribunal
(Immigration and Asylum Chamber) Appeal Number: PA/06708/2019**

THE IMMIGRATION ACTS

**Heard at Field House
On 15 October 2020**

**Decision & Reasons Promulgated
On 02 November 2020**

Before

**UPPER TRIBUNAL JUDGE ALLEN
DEPUTY UPPER TRIBUNAL JUDGE SKINNER**

Between

**S S
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr M Moriarty instructed by Sutovic & Hartigan

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

DECISION AND REASONS

1. The appellant is a national of Iran. He appealed to a Judge of the First-tier Tribunal against a decision of the Secretary of State of 20 June 2019 refusing protection and human rights claims.
2. The judge dismissed his appeal, but subsequently the appellant sought and obtained permission to appeal against that decision, and following a hearing on 4 December 2019 Upper Tribunal Judge Allen found errors of

law in the judge's decision such that it was necessary to a rehearing on the points of error.

3. Subsequently the appellant's representatives put in written submissions to the Secretary of State as a consequence of the country guidance decision in PS [2020] UKUT 0046 (IAC), handed down in the meantime, arguing that the appeal should in effect be conceded. The Secretary of State did not respond to those submissions.
4. At the hearing before us we had those submissions together with the appellant's pre-hearing note that had been provided under cover of an email of 8 October 2020.
5. It is not necessary for us to say much about the issues since in effect Mr Walker, entirely properly, on behalf of the Secretary of State conceded the appeal.
6. Mr Moriarty in brief submissions to us focused on paragraphs 3 and 4 of the headnote to the country guidance in PS, bearing in mind that the appellant had been found to be a genuine convert to Christianity and that he could not be expected to lie about his conversion. It was clear from paragraph 3(ii) of the headnote that if the claimant would in fact conceal his faith it was necessary to consider why, and if any part of his motivation was a fear of such persecution the appeal should be allowed. The appellant had said to the Judge of the First-tier Tribunal that he would not conceal his faith. In any event, it was clear from paragraph 4 of the headnote that the appellant would face risk at the point of return. He would be at risk if he divulged the basis of his claim or if he remained silent out of fear as to what would happen to him.
7. We stated in light of Mr Walker's acceptance that the witnesses were all credible and that the case fell within the scope of the country guidance, that the appeal was to be allowed and that we would provide brief reasons subsequently, which we now do.
8. We are satisfied, in light of the finding before the judge that the appellant is a genuine convert to Christianity and that he cannot be expected to lie about his conversion, bearing in mind also the credibility of the witnesses, that the appeal falls to be allowed in line with the guidance that we now have from PS. We note that it is clear from the judge's findings, for example paragraph 56 of his decision the appellant's involvement with two churches in London goes beyond mere attendance and suggests that he has found a real community in the church that he attends and is a follower of Christian beliefs. It is also accepted there that the appellant has regularly prayed with Ms Newsome and Mr Bailey and that he turns up early, follows his Bible and provides assistance at the church and that he was prepared to discuss his faith only with those whom he had got to know well and whom he trusted and that he would be likely to conduct himself in a very similar way on return to Iran.

9. It is clear from the evidence that the appellant is someone whose conduct would fall directly within the guidance in PS and as a consequence his appeal is allowed under the Refugee Convention.

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 their 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
2020
Upper Tribunal Judge Allen

Date 28 October