



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: PA/11405/2016

**THE IMMIGRATION ACTS**

Heard at Field House  
On 30 October 2017

Decision & Reasons Promulgated  
On 14 November 2017

Before

DEPUTY UPPER TRIBUNAL JUDGE SHERIDAN

Between

AI  
(ANONYMITY DIRECTION MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

**Representation:**

For the Appellant: Mr K Gayle, Counsel instructed by Elder Rahimi Solicitors  
(London)

For the Respondent: Mr P Singh, Home Office Presenting Officer

**DECISION AND REASONS**

1. The appellant is a citizen of Iran born on [ ] 1999 whose protection claim was refused by the respondent. His subsequent appeal to the First-tier Tribunal was heard by Judge Robertson. In a decision promulgated on 20 April 2017 the appeal was dismissed. The appellant is now appealing against that decision.
2. The appellant's claim, in summary, is that he has converted to Christianity from Islam and would face a risk on return to Iran as a consequence.

3. Judge Robertson did not find the appellant credible. The judge concluded, firstly, that the appellant was unable to establish that he had an interest in Christianity before he came to the UK (paragraph [27]); and, secondly, that the appellant had not become a genuine convert since arriving in the UK (paragraph [28] – [30])
4. The judge's reason for rejecting the appellant's claim to have been considering conversion to Christianity in Iran was that there were a number of inconsistencies in the appellant's evidence. In particular, the appellant had in his screening interview spoken of wanting to convert to Christianity whilst in Iran and having been reported to the authorities as a consequence whereas in his subsequent statement he only stated that he wanted the freedom to choose his religion.
5. The appellant's explanation for this discrepancy in oral evidence before the First-tier Tribunal was that his solicitors shouted at him and made him lose confidence.
6. The judge placed considerable weight on the inconsistencies in the evidence and described the appellant's explanations for these as not credible. At paragraph [26 III] the judge stated that he did not accept the appellant's solicitors would have shouted at him resulting in him being unable to give an accurate or a truthful account.
7. In considering whether, since arriving in the UK, the appellant had become a genuine convert to Christianity, the judge noted that the appellant was asked in cross-examination why he had not attended a Farsi speaking church and that his response was that he could not afford, and social services would not fund, him travelling to London to attend services. The judge noted the absence of evidence from social services about the support available to the appellant.
8. Evidence, both written and oral, in support of the appellant was given by Mr Sturdy, a trustee of Sundon Park Baptist Church. Mr Sturdy stated that the appellant had been attending services regularly for about three months and had expressed an interest in becoming a Christian. The judge gave this evidence little weight stating at paragraph [29]:

“Whilst Mr Sturdy can give evidence that the Appellant has attended Church, he is not able to state that the Appellant is a genuine convert, and his evidence is therefore not akin to the evidence of a minister who has been able to communicate with the appellant and give his opinion that the Appellant is a genuine convert (see Dorodian 01/TH/01537)”.
9. The judge observed that the appellant had answered questions about Christianity correctly but stated that “the appellant is not unintelligent and the study of Christianity is not the same as conversion”.
10. The appellant was 15 years old when he left Iran and a minor at the time of the hearing. The judge commented on this at paragraph [23] where he stated:-

“I take into account that the Appellant was nearly 16 years of age when the events that he claims led to his flight from Iran took place; therefore, whilst not an adult at the time, he was also not a very young child”.

### Grounds of appeal

11. The grounds of appeal argue that:

- (a) the judge failed to take into account the appellant’s age and that the discrepancies in his written evidence arose because of his vulnerability and the conduct of his solicitors who shouted at him and hindered his ability to give an accurate account.
- (b) it was perverse to place weight on the absence of evidence from social services to explain why the appellant was not provided with funds to enable him to travel from Luton to London to attend a Farsi speaking church, given the obvious lack of financial funds to provide this to the appellant.
- (c) the judge erred by making adverse credibility findings against the appellant because a minister Sundon Park Baptist Church did not give evidence when the church did not have a minister and a senior trustee attended, which in the circumstances was the most that could possibly be done.
- (d) the judge should have taken into consideration that the appellant correctly answered all questions he was asked about Christianity.

### Submissions

12. Mr Gayle accepted there was a discrepancy between the screening interview and Statement of Evidence but maintained that the judge erred by failing, when considering this discrepancy, to take into account the appellant’s age and his account of being intimidated by his previous solicitors. He argued that the discrepancies say more about the solicitors than the appellant and the judge should have accepted the screening interview account.
13. Mr Gayle stated it was common sense and obvious that social services would not pay for the appellant to travel to London to attend church and there was no reason to expect him to obtain evidence from social services to prove this.
14. He also argued that the judge had failed to properly follow the guidance given in the case of Dorodian (01/TH/01537), which provides that generally a convert should be vouched for by a minister who attends the hearing. Mr Gayle argued that Dorodian had been applied to the maximum extent possible given the absence of a minister at the church the appellant attended and it was unclear what else he could have done.
15. Mr Singh argued that the judge was entitled to attach weight to the discrepancies in the appellant’s evidence and that the judge had considered the appellant’s age as well as his account of the solicitor intimidating him. His position was that the appellant’s case amounted to no more than a disagreement with the way the judge

had weighed the evidence. He also noted the absence of a witness statement from either the appellant or his former solicitor clarifying the reasons for the discrepancies.

### Consideration

16. There is a clear discrepancy between the appellant's screening interview and later statement. In his screening interview on 10 May 2016 the appellant stated that his life was in danger in Iran because he wanted to convert to Christianity and his fanatic Islamist cousin beat him up and reported him to the authorities because of this. However, the appellant's statement dated 22 June 2016 made no mention of wanting to convert to Christianity whilst in Iran. Nor did he say in his statement that his cousin beat him up and reported him to the authorities. Rather, he stated that he did not like Islam and wanted the freedom to choose any religion he wants. And he referred to a (different) cousin helping him leave Iran rather than to a cousin acting to him in a violent way.
17. Moreover, in his asylum interview on 23 September 2016 the appellant stated at paragraph 5 "Since I have arrived in this country I have decided to learn about a new religion". This is also inconsistent with the appellant's claim in the 10 May 2016 screening interview that whilst in Iran he wanted to convert to Christianity and was reported to the authorities.
18. The appellant has put forward two explanations for these discrepancies. The first is that he was only fifteen at the time he gave the statements and the second was that his solicitor acted improperly by intimidating and shouting at him.
19. In my view, the judge adequately addressed the issue of the appellant's age. He commented, at paragraph [23], that the appellant was under sixteen when the relevant events took place and that this was being taken into account. Given the nature and scale of the discrepancy, it was open to the judge to conclude that it undermined the appellant's credibility even though he was under sixteen.
20. The judge also adequately addressed the contention about the former solicitors, stating at paragraph [26III] that he did not accept they would have shouted at the appellant making him lose confidence and unable to give his account. There was no evidence (other than that given orally by the appellant) to support this serious allegation against the solicitors and it was for the judge, who had the benefit of hearing oral evidence from the appellant, to reach a conclusion on this point.
21. The difficulty for the appellant is that there is a clear inconsistency in his evidence and his only explanation for it is to blame his solicitors and highlight his age. I am satisfied that it was open to the judge, when weighing the inconsistency against the reasons given to explain it, to conclude that it damaged the appellant's credibility even though he was under 16 at the time.
22. In assessing whether the appellant genuinely converted, the judge gave only little weight to the evidence of Mr Sturdy, a trustee of the Sondon Park Baptist Church which the appellant attends, on the basis that he was not a minister and was unable

to give an opinion, in the way a minister could, as to the genuineness of the appellant's faith and conversion.

23. Sundown Park Baptist Church did not at the time have a minister (as noted by the judge in the decision) and therefore it would clearly have been unrealistic to expect the appellant to adduce evidence from a minister. In these circumstances, the judge would have been in error if he had found the absence of evidence from a minister damaging to the appellant's credibility. But no such error has been made. The judge did not find the absence of a minister damaged the appellant's credibility. Rather, he noted that the weight that he could give to the opinion of a minister who would be able to opine on the genuineness of the appellant's faith was greater than that which he could give to a trustee of a church who could only comment on the regularity of the appellant's attendance. It is unfortunate for the appellant that the church he attended lacked a minister but that does not change the fact that the burden of proof lies with the appellant to establish he is a genuine convert and it is for him to provide evidence of this. The evidence adduced by the appellant from the church (comprising of two letters in addition to the evidence of Mr Sturdy) did little to establish the genuineness of the conversion and therefore it was open to the judge to attach little weight to it.
24. The grounds of appeal describe as perverse the judge's finding that the appellant should have provided evidence to show why he was not provided funds to enable him to travel to London to attend a Farsi speaking church. I do not agree. At paragraph [26 VI] the judge commented on this stating:-
 

"Mr Trevelyan submitted that it was plausible, with the pressures on social services, that the Appellant would not be offered the funds to travel to London to attend church. However, there was nothing from the social worker to confirm what support was being offered to the Appellant. This is evidence that would reasonably have been available to him and should have been provided (...), particularly when this would have provided him with the opportunity to meet with other Iranians who were also Christians."
25. The appellant has limited English. The evidence of Mr Sturdy was that he requires a translator for the services and that he has not attended classes to assist him in understanding the basics of the faith because of the language barrier. In these circumstances, it was entirely appropriate for the judge to explore why the appellant is not making the effort, given his professed interest in Christianity, to attend a service in a language he understands. It is not obvious social services would not provide any support in this regard and the judge was entitled to take note of the absence of evidence about the support available to the appellant.
26. The grounds highlight that the appellant was able to answer correctly questions posed to him about Christianity. The judge has not ignored this – the issue is specifically addressed at paragraph [30] where the judge notes the appellant is intelligent and capable of studying about Christianity. This conclusion must be understood in the context of the decision as a whole where the judge has found the appellant to not have given a credible account. Another judge may have given

greater weight to the appellant's knowledge of Christianity but this does not mean Judge Robertson made an error of law by finding the appellant's knowledge reflected an ability to learn rather than evidence of faith and being a genuine convert.

27. In my judgment, the judge has taken into account all of the material evidence and, applying the correct standard and burden of proof, has reached a conclusion based on that evidence which was open to him.

**Notice of Decision**

The appeal is dismissed.

The decision of the First-tier Tribunal does not contain a material error of law and stands.

Signed



Deputy Upper Tribunal Judge Sheridan

Dated: 10 November 2017

**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.