



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

Appeal Number: PA/11076/2018

THE IMMIGRATION ACTS

**Heard at Field House
On 13 February 2019**

**Decision & Reasons Promulgated
On 6 March 2019**

Before

**DR H H STOREY
JUDGE OF THE UPPER TRIBUNAL**

Between

**[E P]
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr A Reza, Solicitor, JKR Solicitors

For the Respondent: Ms S Cunha, Home Office Presenting Officer

DECISION AND REASONS

1. In a decision sent on 2 September 2018 Judge Watson of the First-tier Tribunal (FtT) dismissed the appeal of the appellant, a national of Iran, against the decision made by the respondent on 2 September 2018 refusing his protection claim. The basis of the appellant's claim was that he had had to flee Iran due to his fear of persecution on account of his religious beliefs. He claimed to have converted to Christianity whilst in Iran and then fled the country when learning that fellow worshippers at a house church he attended had been arrested. His house had later been

raided by the authorities who seized his belongings. He managed to leave the country along with his wife and daughter with the help of an agent.

2. The judge did not find the appellant's account credible.
3. The appellant's grounds level several arguments, it being alleged that the judge:
 - (1) misunderstood the appellant's evidence about how he came to Christianity;
 - (2) misunderstood how the appellant had obtained passports to travel to the UK;
 - (3) erred in finding the appellant's account of fleeing after watching the Etihad raid on the house church not credible;
 - (4) misunderstood the evidence of the appellant's wife and the timing of her own conversion;
 - (5) failed to attach due weight to the evidence of the Pastor whose evidence was that the appellant was a genuine Christian; and
 - (6) failed to give due weight to the appellant's evidence that he had undertaken Facebook activities.
4. I heard succinct submissions from Mr Reza and Ms Cunha.
5. I am not persuaded by any of the grounds.
6. Before addressing each ground in turn, I would observe that the judge's adverse credibility findings were based on assessment of the appellant's evidence by reference to a number of well-established credibility indicators inconsistencies, lack of detail and implausibilities.
7. I consider that ground 1 amounts to a mere disagreement with the judge's finding as set out at paragraph 25.

"25. I find that the appellant has not shown to the lower standard of proof that he was attending a house church in Iran, that it was raided or that he had any interest in Christianity before he left Iran. My reasons are as follows: I found that the whole account was not credible. He himself stated that he would not dare tell anyone about feeling disillusioned with Islam (RB D42), yet he claims he meets a person he had not met since primary school, meets him around 6 times and then this person evangelises him and invites him to a house church. Given the danger that this could pose to all attenders of a church, I find it not credible that a person would invite someone after meeting them only a few times and then run the risk, not only to himself but to all his fellow church members of inviting them to a church meeting. I find the account to lack credibility. I also note that in his interview he stated that the church was held in two different properties (Q85), but in oral evidence he was certain it was held at the same location each time. He also stated in his interview that there was no set day for the church meetings although they tried to have it on Sundays (Q75). In oral evidence he said it was 'regular, every Sunday' and at a regular time, 12.30 - 2 pm. It had been

cancelled on one occasion. This was a very specific detail and the accounts are not consistent. I further find his account about the ID documents inconsistent. In his screening interview he states that he will try and get the passport and that it is at home. In his asylum interview (Q91) he states that his wife was at home when it was raided and the authorities took his ID documents and computer. This is inconsistent in an important detail, and I find is not consistent with his whole claim of his uncle arranging within 3 days to get the whole family out of the country using an agent. He further claims that he never looked at the his false passport and he did not know what passport his wife and daughter travelled on; that the agent gave them the passports but would not let them look at them and took them off the family immediately after going through passport control. In his screening interview states that the agent took photos and arranged the passports in Turkey so in this account he is fully aware of the process of getting a false passport and I find that the accounts are not consistent.”

8. Ground 1 asserts that the judge misunderstood that the appellant did not suggest that he opened up to Babak suddenly; it was only after they built up mutual trust. However it is clear from paragraph 25 that the judge took into account both the appellant’s previous connection with Babak and the number of times they had met before the house church invitation. This finding was within the range of reasonable responses.
9. Ground 2 suffers from the same malady; it is just a series of disagreements with the judge’s findings of fact. It was entirely open to the judge to find that he appellant would have looked at the passports and also to find his evidence regarding whether he had his passport and ID documents at home to be inconsistent.
10. Ground 3 is similarly afflicted. Paragraph 26 provides a rational assessment of why the judge concluded that the appellant’s account of the raid and his reaction to it was not plausible. Paragraph 26 states:

“26. I find his accounts of seeing a house raid from a distance, when he had been delayed in attending and then going to his uncle’s home, without contacting his wife at all not credible. He stated that he had a bible in his home but took no steps to return home or retrieve it. There was no reason to expect that the authorities would have immediate knowledge that he was expected at the church as the arrests had only just taken place. His response that he just went to a safe place, I find not credible in the circumstances that he describes.”
11. Ground 4 takes aim at paragraph 28:

“28. I find the contradictory evidence as to the faith of the appellant’s wife also damages the credibility of the whole claim. To arrive and at the screening interview state that she is a Christian, to tell the pastor that she is a muslim and then to claim in oral evidence that she is a Christian as her husband has evangelised her shows a significant lack of consistency. I do not accept that the pastor has misunderstood her as stating only that she was ‘born a

muslim'. The email and his oral evidence are clear that she introduced herself as a muslim.

12. This ground overlooks that the judge had earlier considered the wife's attempt to explain her inconsistencies and had found them unsatisfactory.

"23. The appellant's wife gave oral evidence. She was questioned about her own belief and asked to explain why the pastor had noted that she said she was a Muslim, when her evidence at the hearing was that she had told him she wanted to be baptised and considered herself a Christian. She did not explain this satisfactorily."

13. In this context, simple counter-assert that his wife's evidence was clearly that she was a Muslim in Iran and only accepted Christianity in the UK does not suffice.

14. To address Ground 5, it is convenient to set out paragraphs 24 and 27 in full:

"24. The Pastor attended and gave oral evidence. He confirmed the information in his email and gave more details about the baptism process. He confirmed that he would give people the benefit of the doubt and that it was between them and God if they were not genuine. The process for baptism was to attend four group sessions which involved listening in a group which took place once a week for four weeks and lasted 90 minutes. Each member of the group would share in turn their feelings of the faith on one occasion at the beginning of a session. The appellant had talked for around ten minutes at the beginning of the first session about his faith journey. Apart from that there was no individual knowledge of a participant's belief and no questioning of the genuine nature of any participant's claim to be a convert. In two years the Pastor had baptised 8 people and the appellant was the only asylum seeker he had baptised. With regard to the seeming inconsistency of whether the wife claimed to be Christian or not, the Pastor said that they did not have clear communication and he had asked his wife to speak to the appellant's wife. I accept the evidence of the Pastor that he himself believes that the appellant is genuine in a conversion, but it is clear that the Pastor does not see it as his role to question any statement of a person's belief and the process for baptism does not involve any rigorous assessment of a person's belief or indeed any assessment of their belief at all. The manifestation of the appellant's belief that the Pastor is able to confirm is that he attends church and other church activities and has gone through a baptism ceremony. I accept that the appellant has done this.

27. With regard to the Pastor's evidence on the process for Baptism, this was different to the appellant's description in his interview (Q115). The appellant stated that he attended for just one week before being baptised, being two sessions of 2 hours. The pastor stated in oral evidence that the appellant told his story on the first attendance and that there were sessions of 90 minutes once a week for four weeks. I find that the pastor was not aware of the attendance of the appellant as the accounts vary greatly and that

there is no assessment of the appellant's claims of conversion. This is not a criticism of the pastor as he himself states that a conversion is between a person and God and not for him to judge. It does however lessen the weight of the pastor's evidence on a genuine conversion."

15. Mr Reza submits that this assessment is flawed because the Pastor (Pastor Lopes) was a "**Dorodian**-compliant" witness and undoubtedly the best-placed person to comment on the genuineness of the appellant's faith. He points out that the Pastor's witness statement did clearly vouch that the appellant's conversion was genuine, his e-mail of 15 November 2018 stating:

"Q7: What makes you think he is a genuine and committed Christian?

His disposition and willingness to serve the Church and his fellow believers. His attendance and his desire to be part of all activities and the most important his relationship with the church members and everyone loves him."

16. Mr Reza submits that by not accepting this evidence the judge has effectively imposed a higher standard of proof. However, I see nothing erroneous in the judge's assessment. It was clearly open to the judge to note a significant discrepancy in the accounts the appellant and Pastor gave of the pre-baptism sessions. Nor do I understand the judge in paragraph 27 to have overlooked the Pastor's e-mail assessment. Rather the judge sought to highlight the Pastor's own stated generalised premise for evaluation of genuineness as set out at paragraph 24 ("he confirmed that he would give people the benefit of the doubt and it was between them and God if they were not genuine"). In particular the judge was clearly concerned that on the Pastor's own evidence there had been "no individual knowledge of a participant's belief and no questioning of the genuine nature of any participant's claim to be a convert" (paragraph 24). Further, to the extent that it was relevant, the Pastor's assessment as set out in his e-mail statement was confined to assessment of the appellant's attitude towards service and fellow worshippers; it said nothing about the state of his own convictions or knowledge.
17. As regards Ground 6, it was clearly open to the judge on the evidence to find that the appellant had not been an active blogger and it was entirely consistent with the background evidence for the judge to consider on this basis that the authorities would not be interested in persons whose Facebook posts (even if discovered) were not those of an active blogger.
18. For the above reasons I conclude that the judge did not materially err in law and accordingly her decision to dismiss the appellant's appeal must stand.

No anonymity direction is made.

Signed

Date: 26 February 2019

H H Storey

Dr H H Storey
Judge of the Upper Tribunal