
**Upper Tribunal**
**(Immigration and Asylum Chamber)** Appeal Number: PA/01559/2016

**THE IMMIGRATION ACTS**

| **Heard at North Shields** | **Decision & Reasons Promulgated** |
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| **On 22 August 2017** | **On 2 October 2017** |
| **Prepared on 22 August 2017** | |

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE JM HOLMES**

**Between**

**H. M.**
**(ANONYMITY DIRECTION MADE)**

Appellant

**And**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

Representation:
For the Appellant: Ms Brakaj, Solicitor, Iris Law Firm
For the Respondent: Mr McVeety, Home Office Presenting Officer

**DECISION AND REASONS**

1. The Appellant entered the United Kingdom illegally and first claimed asylum on 24 March 2010. That application was refused, and the Appellant's appeal to the Tribunal was heard and dismissed by decision of First tier Tribunal Judge Dickson promulgated on 14 July 2010.

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2. The Appellant was not removed following the dismissal of his appeal. Instead he made further representations asserting a protection claim. On 24 September 2015 the Respondent considered the representations made to date and refused his protection claim. The Appellant's appeal against that most recent decision was heard by First tier Tribunal Judge Hussain and dismissed by way of decision promulgated on 11 January 2017.
3. The Appellant was granted permission to appeal on 17 May 2017 by Upper Tribunal Judge Coker on the basis it was arguable the Judge had erred in his approach to the credibility of the evidence supporting the claim that the Appellant had undergone a genuine conversion to the Mormon faith.
4. The Respondent filed a Rule 24 notice in response to that grant of permission on 2 June 2017 in which she argued the Judge had made no error, and had given full reasons for his findings upon the disputed issues of fact. Thus the matter comes before me.

Error of Law?

5. When the appeal was called on for hearing before the First tier Tribunal it was confirmed to Judge Hussain by his solicitor upon his behalf that the Appellant had abandoned all of the claims made to, and dismissed as untrue by, Judge Dickson [2]. As Ms Brakaj ultimately accepted, there was no error on the part of Judge Hussain in his taking that stance as his starting point in his assessment of the evidence. The Appellant had been found by Judge Dickson after the application of the relevant low standard of proof in 2010 to have pursued a dishonest claim to asylum to an appeal, and that was a necessary part of the context in which Judge Hussain had to assess the evidence relating to his claim to have undertaken a genuine conversion to the Mormon faith in 2015. It necessarily meant that the Appellant's general credibility as a witness of truth was damaged, and there was no error in the Judge acknowledging and identifying that. To find otherwise (notwithstanding the terms of the grant of permission to appeal) would lead to an absurd result. The Judge did not fall into the error that this automatically meant the claim to have converted was also untrue. When the decision is read as a whole it is plain that the Judge did no more than remind himself that the Appellant had been prepared to lie in the past.
6. It is also plain from the decision that the Judge applied the correct burden and standard of proof to the evidence placed before him. That disposes of the complaints raised in paragraph 4 of the grounds.

7. I note that the Judge did consider the absence from the hearing of the three Iranian individuals who were said to have introduced him to the Mormon faith, and accompanied him at his baptism and to Church services. His conclusion was that in the light of the evidence as a whole he could attach little or no weight to the letters of support they were said to have submitted on the Appellant's behalf. The grounds raise no challenge in relation to this, and Ms Brakaj accepted that this was an assessment of weight that was open to the Judge.
8. I also note that the Judge considered the Appellant's interview in January 2016, and the very limited knowledge that he was then able to display in relation to his new faith notwithstanding his decision to abandon his original faith in favour of it, and the amount of time spent at classes pre-baptism and in attending the Church post-baptism. It was open to the Judge to conclude that the interview records a sparsity of knowledge, particularly given his claim to have held an interest in this new faith since February 2015. Again the grounds raise no challenge in relation to this, and Ms Brakaj accepted that this was an assessment of weight that was open to the Judge.
9. I also note that the Judge did take into account the posts relied upon the Appellant's facebook page which were relied upon as evidence of his conversion. Again the grounds raise no suggestion that the Judge overlooked this.
10. Ms Brakaj (their author) accepted that paragraph 5 of the grounds added nothing to the complaints set out in paragraph 6 of the grounds. She accepted that the grounds made no complaint to the effect that the Judge had incorrectly, or unfairly, summarised the oral evidence given to him by Bishop Broadbent during the course of the appeal [17]. Nor was there a complaint that the Judge had overlooked Bishop Broadbent's written evidence in the form of the two letters of 6.11.6 and 9.8.15.
11. In my judgment the Judge was perfectly entitled to find the oral evidence of Bishop Broadbent significant. Bishop Broadbent confirmed that the Appellant had been accepted for baptism without any interview, or other procedure to assess whether his adoption of the Mormon faith was genuine. Moreover he was told that Bishop Broadbent had not attended the hearing of the appeal to give evidence in relation to the issue of whether his adoption of the faith was genuine, but simply to give the factual information that the Appellant had been baptised into the faith, and that he had

attended the Mormon Church for eighteen months. Beyond that he could not say whether the Appellant's conversion was genuine. The Mormon Church accepted all converts at face value, and admission to the Aaronic priesthood was dependent simply upon baptism into the faith, and was no indication of the level of knowledge of the faith held, or whether that faith was genuinely held.

12. In the circumstances the Appellant's challenge to the decision identifies no arguable error of law, and is no more than a disagreement with the assessment of the weight that could properly be given to the evidence relied upon. The Judge did not make any material error of law in his decision to dismiss the appeal, and that decision must stand.

DECISION

The Decision of the First Tier Tribunal which was promulgated on 11 January 2017 did not involve the making of an error of law in the decision to dismiss the appeal that requires that decision to be set aside and remade. That decision is accordingly confirmed.

Direction regarding anonymity – Rule 14 Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until the Tribunal directs otherwise the Appellant is granted anonymity throughout these proceedings. No report of these proceedings shall directly or indirectly identify him. This direction applies both to the Appellant and to the Respondent. Failure to comply with this direction could lead to proceedings being brought for contempt of court.

Deputy Upper Tribunal Judge JM Holmes
Dated 22 August 2017