



**Upper Tribunal
(Immigration and Asylum Chamber)
PA/05065/2016**

Appeal Number:

THE IMMIGRATION ACTS

Heard at Stoke on Trent

Decision and Reasons

On 1 August 2017

Promulgated

On 2 August 2017

Before

Deputy Upper Tribunal Judge Pickup

Between

SM

[Anonymity direction made]

Appellant

and

Secretary of State for the Home Department

Respondent

Representation:

For the appellant: Mr A Barnfield, instructed by Braitch RB Solicitors
For the respondent: Mr G Harrison, Senior Home Office Presenting Officer

DECISION AND REASONS

1. This is the appellant's appeal against the decision of First-tier Tribunal Judge Cox promulgated 21.4.17, dismissing on all grounds his appeal against the decision of the Secretary of State, dated 12.5.16, to refuse his protection claim.
2. The Judge heard the appeal on 12.4.17.
3. First-tier Tribunal Judge Gillespie granted permission to appeal on 17.5.17.
4. Thus the matter came before me on 1.8.17 as an appeal in the Upper

Tribunal.

Error of Law

5. For the reasons summarised below, I found no material error of law in the making of the decision of the First-tier Tribunal such as to require the decision of Judge Cox to be set aside.
6. In granting permission to appeal, Judge Gillespie found “potential arguable merit” in the ground of appeal that the judge “failed to consider, or has failed to give adequate reasons for rejecting, oral and written evidence that the appellant has genuinely converted to Christianity; alternatively, that she has failed to give reasons why, accepting the genuineness of the evidence given, this does not constitute proof to the lower standard of conversion.”
7. In a well-reasoned decision the judge gave adequate reasons for finding that the appellant was not a Christian convert. I find that the grounds amount to nothing more than a disagreement with the findings of the judge on the evidence before the tribunal.
8. The judge very carefully addressed the evidence of the two witnesses in relation to conversion and whilst finding them genuine and well-intentioned, concluded that they were overly “enthusiastic” and generous about the appellant’s conversion and that the fact of conversion was not made out on the evidence. The evidence demonstrated that the appellant had first attended church out of loneliness and had integrated himself into the life of the church, but failed to demonstrate evidence of conversion. The judge pointed out that in his asylum interview the appellant declined to describe himself as a Christian, merely that he was interested and might become one.
9. Both witnesses failed to satisfactorily address the issue of conversion. The Reverend Lowe had not had any extensive discussions with the appellant, hampered by the appellant’s poor English. He instead relied on work with him by what was described as a “hard-nosed deaconess,” Shelia Podmore. It was she who suggested that the appellant was ready for baptism. As Mr Harrison pointed out in his submissions, this was at a stage before the asylum interview, when the appellant was still ambivalent as to whether he was a Christian convert, as seen in his answers to Q232, 237 and 238. This undermined the reliability of the church member evidence. At Q217 the appellant said, “Right now, I do not consider myself a Christian. I haven’t got much information.” The evidence of the witnesses did not adequately address the issue of conversion so as to discharge the lower standard of proof.
10. Complaint is made in the grounds that the judge made no reference to the written evidence of Deaconess Podmore, contained in two short letters of 5.9.16 and 25.3.17. She did not attend the hearing to give oral evidence. I have looked carefully at both letters and find that they do not in fact address the issue of the appellant’s conversion at all. Mr Barnfield

suggested that reference to having seen “change” in the appellant related to the conversion process, but that is far from clear on reading the letter, where that comment is preceded by an observation that he had been depressed. I can find no material error in failing to address the written evidence of the deaconess, which does not appear to have advanced the appellant’s claim at all.

11. I find that the judge gave clear and cogent reasons for finding that the two church members who gave oral evidence, Reverend Lowe and Mr Routledge, were wrong about the appellant’s conversion. The disagreements raised in the grounds and in Mr Barnfield’s submissions are just that, disagreements with the findings and conclusions of the judge. That they were genuine and sincere is supportive but not determinative of the issue the judge had to resolve, whether the appellant is a genuine Christian convert. I find it is clear that the evidence, well-intentioned and enthusiastic, was properly taken into account and put into context with the evidence as a whole. The issue of weight is a matter for the judge to determine. Just because a different judge may have reached a different conclusion does not render this judge’s assessment flawed.
12. The remaining grounds, as argued by Mr Barnfield, in relation to inconsistencies in the evidence, were also no more than disagreements with the findings of the judge, which I find were fully open on the evidence and for which cogent reasons have been provided.

Conclusions:

13. The making of the decision of the First-tier Tribunal did not involve the making of an error on a point of law such that the decision should be set aside.

I do not set aside the decision.

The decision of the First-tier Tribunal stands and the appeal remains dismissed on all grounds.



Signed

Deputy Upper Tribunal Judge Pickup

Anonymity

I have considered whether any parties require the protection of any anonymity

direction. No submissions were made on the issue. The First-tier Tribunal did not make an order pursuant to rule 13(1) of the Tribunal Procedure Rules 2014. However, given the circumstances, I consider it appropriate to make an anonymity order.

I make no fee award, no fee being payable.

A handwritten signature in black ink, appearing to read 'Pickup', written in a cursive style.

Signed

Deputy Upper Tribunal Judge Pickup