



IAC-PE-SW-V1

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

Appeal Number: AA/09669/2014

THE IMMIGRATION ACTS

**Heard at Field House
On 10th August 2014**

**Determination Promulgated
On 24th August 2015**

Before

DEPUTY UPPER TRIBUNAL JUDGE MCCLURE

Between

**PV
(ANONYMITY DIRECTION MADE)**

Appellants

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Gayle, Counsel instructed by Elder Rahimi Solicitors
For the Respondent: Mr Tarlow, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant is a citizen of Iran. Having considered all the circumstances I am satisfied that it is just and proper to make an anonymity direction .
2. This is an appeal by the appellant against the decision of First-tier Tribunal Judge C Greasley promulgated on 12th February 2015, whereby the judge dismissed the appellant's appeal against the decision of the respondent. The decision by the respondent was to remove the appellant from the United Kingdom under section 10 of the Immigration and Asylum Act in 1999.

3. By decision made on the 9th March 2015 leave to appeal to the Upper Tribunal was granted. Thus the matter appears before me to determine in the first instance whether or not there is an error of law in the original determination.
4. The appellant is seeking asylum on the basis that she has converted to Christianity and as a Christian convert she would be at risk on return to Iran. In support of that the appellant asserts that she has a tattoo on her right arm which reads "*Jesus is my saviour*" and as a result of that tattoo she would be viewed as a Christian on return to Iran and as such would be at risk on return.
5. The appellant's representative during the course of submissions sought to argue that the findings of fact by Judge Greasley with regard to the appellant's conversion to Christianity and the evidence of that were inadequately reasoned and not sustainable.
6. With that in mind I would draw attention to the grounds seeking permission to appeal. Whilst in paragraph 2 there is a general challenge that the judge failed to have proper regard to how the appellant is likely to be perceived by the persecutors that does not in any detail challenge the findings of fact made by the Judge Greasley with regard to the appellant's conversion to Christianity. Paragraphs 3,4 and 5 of the grounds in detail deal with the fact that the appellant has a tattoo and how that will be perceived in Iran including whether the appellant should cover up her arms in order to avoid alleged persecution.
7. Whilst I take account of the leave granted it is to be noted that the leave itself acknowledges that the grounds do not seek to reopen the judge's findings. The leave comments upon the appellant's complete lack of good faith and the fact that the judge had found that the appellant was lacking in credibility and that her account had been fabricated. The judge made serious adverse credibility findings as to the appellants claim to have converted to Christianity.
8. The appellant's representative before me was seeking to argue that the fact that the appellant, who ostensibly has been seeking guidance with regard to Christianity for 4 years, had not been baptised and did not know the distinction between Catholic church and the Pentecostal Church or other denominations was not material. Further given that the representative appearing on behalf of the appellant was not of the Christian faith the representative would not have understood the subtleties of the distinction and that the appellant was prejudiced by reason thereof.
9. Whatever can be said with regard to the circumstances in which the evidence was given the appellant clearly had stated that she was attending a Catholic church when in point of fact it was clear and evident that that was not the case. The judge noted that the appellant could not only speak but also read English. The appellant had come to the United

Kingdom ostensibly to study at a high level in the English language. The judge was satisfied that this was not a simple error but was clear evidence of the appellant's lack of knowledge and commitment with regard to the Christian faith.

10. The judge has gone on to note that the appellant, who had not been baptised, indicated that she was exploring different branches of the Christian faith. The appellant had been studying or receiving instruction in Christianity for some time from September 2013 a period of approximately 18 months but had alleged joined the church in January 2011, see paragraph 14 of the decision.
11. The judge noted that in her witness statement the appellant claim she had never been asked the process by which she had undertaken to become a Catholic. It is clear from the interview record she with had been asked exactly that. She had thereafter given an answer about continuing to pray and knowing herself to be a Christian. The judge was not satisfied with the answer giving valid reasons the finding that it was unclear unpersuasive and vague. The appellant makes no reference to material aspects of Christian faith and the judge has assessed all of the evidence in coming to a conclusion that he was not satisfied with regard to the conversion of the appellant.
12. The judge has given valid reasons for finding that the appellant was not a genuine convert and that her claim to be a convert was fabricated and not credible. The judge has also given valid reasons for finding that the appellant with regard to circumstances in Iran were likewise not credible. In the circumstances the judge has fully justified his conclusions.
13. The judge has carefully considered the issue of a tattoo and whether or not that of itself would bring the appellant to the attention of the authorities or others who might be potential persecutors. The judge had noted from paragraph 60 onwards that tattoos had become a much sought-after fashion accessory amongst middle-class youths.
14. It was material in that regard that, whilst positively engaging in evangelical activity or other public demonstrations of one's Christianity in seeking to persuade the public to become Christians will have the result of drawing attention of the authorities or potential persecutors to an individual, wearing cross itself would not be a problem. The judge had noted that wearing a crucifix a very visible and public demonstration of faith would not expose an individual to a risk of persecution or mistreatment from any source. In the light of that it was for the appellant to show that a tattoo would attention to her and expose her to a risk.
15. If a symbol of Christianity such as a cross would not necessarily expose an individual to a risk of persecution, the judge is entitled to conclude that more immediately less visible forms of evidence of an association with Christianity, which may not necessarily be disclosed, would likewise not expose an individual to a risk.

16. In the circumstances the judge was entitled to come to the conclusions that he did. The judge was entitled to come to the conclusions that the appellant's conversion was not genuine. Even if the appellant had converted the appellant was not one of those individuals that would engage in publicly promoting the Christian faith. The judge was satisfied in the circumstances that otherwise the tattoo itself had not been shown to be such a symbol as would draw a risk of persecution to the appellant.
17. In the circumstances the judge has carefully considered all the facts and giving valid reasons for coming to the conclusions that he did. I find that there was no material error of law in the determination and I uphold the decision to dismiss this matter on all grounds.

Signed

Date

Deputy Upper Tribunal Judge McClure