



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

Appeal Number: PA/02782/2016

THE IMMIGRATION ACTS

**Heard at Manchester
On 25 September 2017**

**Decision & Reasons Promulgated
On 3 October 2017**

Before

Deputy Upper Tribunal Judge Pickup

Between

**Ali Reza Rezayee
[No anonymity direction made]**

Appellant

and

Secretary of State for the Home Department

Respondent

Representation:

For the appellant: Mr R Bednarek, instructed by IAS

For the respondent: Ms Z Ahmad, Senior Home Office Presenting Officer

DECISION AND REASONS

1. This is the appellant's appeal against the decision of First-tier Tribunal Judge Lever promulgated 17.17, dismissing his appeal against the decision of the Secretary of State, dated 4.3.16, to refuse his protection claim.
2. First-tier Tribunal Judge Pedro refused permission to appeal on 25.4.17, but when the application was renewed to the Upper Tribunal, Upper Tribunal Judge Coker granted permission on 1.6.17.
3. Thus the matter came before me on 25.9.17 as an appeal in the Upper Tribunal.

Error of Law

4. For the reasons summarised below, I found no error of law in the making of the decision of the First-tier Tribunal such as to require the decision of the First-tier Tribunal to be set aside.
5. In granting permission, Judge Coker found it “just about arguable” that the judge failed to give adequate reasons for the very limited weight accorded to the Ali Dorodian v SSHD (01/TH/01537) witness, Reverend Hinchcliffe. There is some confusion in the permission and in the decision as to the name of the witness, referred to as Reverend Hewitt, when it should be Reverend Hinchcliffe.
6. Having carefully considered Mr Bednarek’s submissions, relying on his skeleton argument, and the decision of Deputy High Court Judge Gilbert in SA (Iran) [2012] EWHC 2575 (Admin), I am satisfied that the First-tier Tribunal gave the evidence all due weight and that no error of law is disclosed. I find the ground in fact misconceived.
7. The evidence is dealt with at [29] of the First-tier Tribunal decision, where the judge accepts that the witness believes that the appellant is a genuine convert. However, as she accepted, a true conversion can only be known to the individual. It is not uncommon in the experience of the Tribunal for such witnesses to be fully persuaded that a person is a convert. Judge Gilbert, whose prior experience in such cases cannot have been significant, suggested that it was a dangerous thing for anyone to peer into a soul to assess whether a professed faith is genuinely held. However, if it has any weight that view must also apply equally to those who affirm that another is a genuine convert. It is a view that ignores the principle established by Ali Dorodian v SSHD (01/TH/01537). Judge Gilbert suggested that he was “at a loss to understand how that is to be tested by anything other than considering whether (a person) is an active participant in the new church.” However, the experience of the Tribunal, reflected in many decisions upheld on appeal in the higher courts, is that many who claim asylum on the basis of Christian conversion from Islam specifically engage as an active participant in a dishonest and calculated effort to falsely portray themselves as genuine converts.
8. The difficulty with the grounds of appeal is that it is clear that Judge Lever did not discount or give limited weight to the Reverend Hinchcliffe, but fully accepted the witness genuinely believed in the appellant’s conversion. However, as stated at [29] the judge had to consider that evidence as “part of the complete evidential picture in the round.” In other words, the evidence had to be considered in the context of the whole, as is required of a Tribunal judge. It was in the light of the other evidence and findings referred to in the decision that the judge, weighing the evidence as he must, was not satisfied even to the lower standard of proof that the appellant was a genuine convert. In other words, the adverse credibility findings outweighed his claim to be a Christian convert. That is a conclusion open to the judge on the evidence and for which adequate and

cogent reasoning has been provided. No error of law is disclosed.

9. In related submissions, Mr Bednarek relied on the evidence of the appellant's girlfriend purporting to confirm the appellant's conversion. However, not only is she not an Ali Dorodian v SSHD (01/TH/01537) witness, but she is hardly a reliable impartial witness. It is not incumbent on a judge to address each and every piece of evidence. In the light of the other findings, I do not accept that addressing this evidence would or could have made any difference to the outcome of the appeal.
10. Mr Bednarek attempted to submit that the appellant would be at risk because his baptism and attendance at church, if known or disclosed to the Iranian authorities, would be viewed as apostasy and render him liable to criminal prosecution, and that this was not considered by the First-tier Tribunal Judge. However, this was not addressed in the submitted grounds of appeal at all. No application had been made to raise further grounds and in the circumstances of this case such an application had little prospect of success, given that it was not an issue raised with the First-tier Tribunal. In the circumstances, this is not a ground of appeal available to the appellant.
11. In summary, I find the grounds of application for permission to appeal disclose no material error of law in the decision of the First-tier Tribunal.

Conclusion & Decision

12. 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

Dated

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.

Given the circumstances, I make no anonymity order.

Fee Award

Note: this is not part of the determination.

In the light of my decision, I have considered whether to make a fee award pursuant to section 12(4)(a) of the Tribunals, Courts and Enforcement Act 2007.

I have had regard to the Joint Presidential Guidance Note: Fee Awards in Immigration Appeals (December 2011).

I make no fee award.

Reasons: No fee is payable.



Signed

Deputy Upper Tribunal Judge Pickup

Dated

