



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

Appeal Number: PA/00927/2017

THE IMMIGRATION ACTS

**Heard at Glasgow
On 30 January 2018**

**Decision & Reasons
Promulgated
On 02 February 2018**

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

M W

and

Appellant

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr K Forrest, Advocate, instructed by Chung & Rea,
Solicitors

For the Respondent: Mrs M O'Brien, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. The appellant claimed that she was at risk on return to China as a member of the True Jesus Church.
2. The respondent in her decision letter dated 18 January 2017 declined to accept that the appellant was a follower of the True Jesus Church or that she was wanted by the Chinese authorities.

3. First-tier Tribunal Judge Farrelly dismissed the appellant's appeal by decision promulgated on 28 August 2017.
4. The submissions by Mr Forrest were based on the grounds of appeal stated in the application filed on 8 September 2017:

The judge erred in law because on the evidence (*see paragraphs 19, 21*) it was not open to him to conclude (*see paragraph 25*) that the appellant's knowledge of Christianity was limited.


Being a Christian ... is the core of her claim. Whether she is or not cannot be limited to "paper" knowledge of important biblical events. It must be based on a rounded assessment of all relevant factors (*one of which includes specific identification of issues not "peripheral to Christianity" - see last sentence, paragraph 19*). Other than observing (*paragraph 20*) that the appellant did not have a local church connection and that neither child had been baptised, no such overall, rounded assessment has been made by the judge.

It is vital that this is done because the circumstances in which a person [converts] to Christianity are varied ... It is therefore wholly inappropriate for a person's religion - if this is the core element to a claim - to be assessed on the basis of the "impression" (*language used by the judge at paragraph 19*) rather than taking all material circumstances into account.

5. Mr Forrest also adopted the terms of the grant of permission, in particular the last two sentences:

At paragraph 21 the judge states that the appellant's performance at interview did not impress the judge and not suggest that she was a genuine believer. It is arguable that this conclusion does not rest on sufficiently sustainable foundations.
6. Mr Forrest asked for the decision of the FtT to be set aside and a fresh hearing directed in the FtT.
7. Having considered the grounds and submissions, I am not persuaded that the decision of the FtT errs on any point of law, such that it ought to be set aside.
8. As Mrs O'Brien pointed out (and as Mr Forrest acknowledged), the appellant does not claim to be a convert, but to have been brought up by her parents as a Christian and to have played quite a leading role in her Church.
9. Religious knowledge is not a simple test of a claim, but the judge correctly directed himself on that matter at the beginning of paragraph 19.
10. The appellant said she was a member of a Church with particularly strong beliefs about baptism and Pentecostalism. Those matters were highlighted in the refusal letter at paragraphs 25 and 26. It was in that context that her poor answers on those subjects at interview became significant.
11. There was perhaps some confusion at paragraph 19 between John the Baptist and John the Apostle (or John the Evangelist); but the force of the point derived from the interview loses nothing from that.

12. The judge's analysis was based not on a crude trap of bible knowledge, but on what might reasonably have been expected from a claim of lifelong involvement in the True Jesus Church.
13. The appellant criticises only the adverse findings based on the extent of her biblical knowledge, but there were other good reasons for the failure of her case:
 - (i) The appellant submitted a directory of members of the true Jesus Church for South London, but her name was not on the list (refusal decision, paragraph 29);
 - (ii) The appellant came to the UK in February 2008 but made no claim until August 2016;
 - (iii) In numerous applications to extend leave, the appellant made no mention of a fear of persecution;
 - (iv) The appellant claimed only after refusal of leave on other grounds, and at a stage of late pregnancy;
 - (v) The appellant's partner, the father of her two children, knew nothing of her Christian beliefs;
 - (vi) The appellant has not attended church in Glasgow;
 - (vii) It was not credible she did not know about asylum;
 - (viii) The appellant left China without difficulty on her own passport, suggesting no interest from the authorities;
 - (ix) The appellant claimed to have lost her passport, although not reported to the police, and so it was not possible to check if she has been back to China - cause for some scepticism;
 - (x) The appellant has not had her two children baptised;
 - (xi) Claims in her statement about earlier problems in China not referred to at interview - considered an embellishment.
14. It was open to the judge to give some weight to shortcomings in the appellant's religious knowledge. The challenge to that aspect of his findings does not disclose error on that issue, or in the decision as a whole. He did take all material circumstances into account.
15. The decision of the First-tier Tribunal shall stand.
16. The FtT made an anonymity direction. The matter was not addressed in the UT. Anonymity has been preserved herein.



31 January 2018
Upper Tribunal Judge Macleman