



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: PA/03485/2018

THE IMMIGRATION ACTS

Heard at Manchester CJC
On 31 August 2018

Decision & Reasons Promulgated
On 6 September 2018

Before

UPPER TRIBUNAL JUDGE PLIMMER

Between

ZA
ANONYMITY DIRECTION MADE

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Karnik, Counsel

For the Respondent: Mr Bates, Senior Home Office Presenting Officer

DECISION AND REASONS

Pursuant to Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 (SI2008/269) an Anonymity Order is made. Unless the Upper Tribunal or Court orders otherwise, no report of any proceedings or any form of publication thereof shall directly or indirectly identify the original Appellant. This prohibition applies to, amongst others, all parties.

1. The appellant, a citizen of Pakistan, has appealed against a decision of the First-tier Tribunal ('FTT') dated 25 April 2018, in which it dismissed the appellant's

appeal against a decision dated 19 December 2017 to refuse his international protection claim.

Background

2. The appellant claims that he has a well-founded fear of persecution in Pakistan because he has converted to Christianity whilst in the UK. At [15] and [57] the FTT described the “principal” or “primary” issue as being the credibility of the appellant’s account to be a Christian convert. The FTT heard evidence from the appellant and Pastor Steenkamp from the West London Family Church. The FTT outlined its reasons for finding the evidence from both witnesses regarding the appellant’s conversion to be unreliable before concluding at [71] that the appellant had not established that he is a genuine Christian. The appeal was dismissed on asylum and human rights grounds.

Grounds of appeal

4. The grounds of appeal were prepared by the appellant himself. He submitted that although he “*might not know much about the Bible*”, the FTT had sufficient evidence in the form of a baptism certificate and evidence of his Church activities to support his claimed conversion.
5. When granting permission to appeal in a decision dated 16 May 2018, FTT Judge Parker considered it arguable that although the FTT referred to SA (Iran) v SSHD [2012] EWHC 2575 (Admin), it arguably did not follow the recommended approach in that it did not place much weight on the appellant’s five years of Church attendance and failed to consider other possible reasons for the appellant’s limited knowledge.
6. In a rule 24 response the SSHD submitted that the FTT was entitled to attach little weight to the evidence of Pastor Steenkamp and the findings of fact were open to it.

Hearing

7. At the hearing before me Mr Karnik noted that the grounds had been prepared by the appellant himself and acknowledged that there had been no application to amend the grounds. He was therefore content to rely on the grounds drafted as drafted and the observations when permission to appeal was granted.
8. Mr Karnik submitted that the FTT focussed upon the appellant’s knowledge of Christianity and failed to consider this in the round with the evidence of the appellant’s practical commitment to his Christian beliefs.

9. Mr Bates relied upon a rule 24 notice dated 13 June 2018. He asked me to find that the factual findings were entirely open to the FTT and that when the decision is read as a whole, there has been no failure to take relevant matters into account.
10. After hearing from both representatives, I reserved my decision, which I now provide with reasons.

Error of law discussion

11. The FTT has adequately taken into account all relevant evidence and made findings on that evidence entirely open to it. The FTT was clearly aware of and took into account the appellant's: witness statement [11]; claimed Church attendance [13, 22, 23]; claimed Church activities [14]; claim that his Christianity was known to those in Pakistan [24]; explanation for the incorrect date on his baptismal certificate [21] and; claimed activities in detention [69]. The submissions in the grounds that these matters were not taken into account by the FTT is without any foundation. It cannot be said that the FTT left these matters out of account when reaching the conclusion that the appellant had not proved to the lower standard that he is a Christian at [71]. Although these matters may not be expressly addressed under the heading "findings of fact", the FTT made it clear that it had considered all the evidence and submissions, and made a rounded assessment at [56].
12. The FTT considered the Applicant's lack of knowledge of the Bible and was entitled to draw adverse inferences in this particular case for the reasons set out at [59] and [66] to [70]. The evidence regarding claimed Bible study at the Church was considered to be inconsistent and unreliable – see [14], [42] and [65]. The FTT explicitly directed itself to SA (Iran) and the submissions made on the appellant's behalf in relation to the observations in that decision. I acknowledge that a person's commitment to his faith as evidenced by Church attendance and religious activities, may be capable in principle of providing a better indicator of genuine conversion than mere knowledge of the religion. However this is a case in which the appellant acknowledged that his Church attendance was irregular in more recent years, as noted by the FTT at [13], [23], [28] and [36]. In addition, the FTT was entitled to draw adverse inferences from the appellant's claim in his witness statement that in detention he engaged in Bible study yet was unable to demonstrate a reasonable grasp of any aspect of the Bible. The FTT was therefore entitled to give more limited attention to the appellant's claimed Church attendance and activities, in the circumstances of this case. This included not only an inability to credibly explain a lack of even a basic level of knowledge but also evidence from a Pastor regarded as unreliable.
13. The FTT was entitled to attach little weight to Pastor Steenkamp's evidence and to regard the baptism certificate as unreliable for the reasons provided at [60] to [65]. These findings are not the subject of any clear criticism in the grounds and no reference is made to these in the grant of permission.

14. I do not accept there was a failure to follow the recommended approach in SA (Iran) given the particular factual matrix of this case. The FTT properly took into account all the relevant evidence including that of Pastor Steenkamp and came to findings entirely open to it.
15. Mr Karnik took me to some of the appellant's responses during his asylum interview to support a submission that the appellant has some knowledge of Christianity and had distanced himself from Islam. The latter does not necessarily require a genuine commitment to Christianity. As to the former, when the decision is read as a whole, it is clear that the FTT had the interview in mind when making its findings. Indeed the FTT judge asked the appellant about his curious answer to Q 46 - see [29].

Decision

16. The decision of the First-tier Tribunal did not involve the making of a material error of law and I do not set it aside.

Signed:

Ms M. Plimmer
Judge of the Upper Tribunal

Date:
31 August 2018