



**Upper Tribunal
(Immigration and Asylum Chamber)
PA/10409/2016**

Appeal Number:

THE IMMIGRATION ACTS

**Heard at Glasgow
On 9 March 2018**

**Decision & Reasons
Promulgated On 13 March
2018**

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

ABDULLAH HOSSEIN-GHOLI

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr D McGlashan, of McGlashan MacKay, Solicitors
For the Respondent: Mr M Matthews, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. The respondent refused the appellant's asylum claim for reasons explained in her letter dated 10 September 2016.
2. First-tier Tribunal Judge Mrs D H Clapham dismissed the appellant's appeal for reasons explained in her decision promulgated on 23 October 2017.
3. The appellant's grounds of appeal, stated in his application dated 7 November 2017, are as follows (lightly edited):

The judge erred in law in concluding that the appellant's Christian conversion was not genuine (paragraph 78) because: -

2.1 She has not accorded proper weight to what two witnesses who gave oral evidence (Mara Roeofse and Iain Macaulay) and one who did not (Niall Fulton) said ... each of

these persons occupied a responsible role in the leadership of the church at which the appellant claims to have been converted. Each person was/is an experienced Christian leader. Such evidence fell to be assessed as opinion evidence on the genuineness of the appellant's conversion. It was based not simply on what the appellant told each of them but on his behaviour, demeanour and action over a certain time and in different contexts. In describing this evidence as "*of limited value*" (paragraph 84) ... the judge has not accorded sufficient - indeed it would seem ANY - weight:

Ms Roelofse considers the behaviour since around September 2016 of the appellant in attending classes/gatherings, the nature of which was clearly much more than "*fairly transient*" (paragraph 85). Rather it demonstrated a crucial aspect of his alleged conversion, viz how he appears to be have been able to not only effectively interact with others but how he also acknowledged the importance of study of the Christian faith;

Mr Macaulay's evidence may have tended to the general, but it was no less sincere and (as an experienced Christian leader) authoritative. Crucially he supplies the necessary "link" with the spiritual experience the appellant claims to have had ... Mr Macaulay describes this as "*a significant time*" for the appellant who "*testified to experiencing the Holy Spirit and recognising for the first time that Jesus was alive*" ... If the judge thinks that such evidence from an experienced Christian leader is of no more than "*limited value*" she has misunderstood the significance of expert evidence generally and specifically in Christian conversion cases.

The evidence of Niall Fulton (who baptised the appellant) ... is ignored by the judge. This was an error since this evidence considered in the round with evidence from the other two witnesses about the appellant's behaviour speaks to his alleged conversion. As Mr Fulton says [in his letter] in being baptised the appellant was expressing "*a personal commitment to Christ*". Taken along with other instances of conversion ... this was evidence - considered in the round - of conversion to Christianity. The judge erred in ignoring it.

2.2 The 3 reasons she has given for not accepting the genuineness of the conversion are irrational:

Paragraphs 79, 80: it is said here that there was a material inconsistency about his evidence concerning previous practice of Islam because he discusses (his statement) being strict; but screening interview he said he did not practice. There is no inconsistency his statement has been misquoted: he did not say "*I practice*" but "*I practiced*" (past tense). He is referring to a past situation not a present one.

Paragraphs 81 - 83: Ms Roelofse identifies a relevant time/date when he started to attend classes, while so far as his Bible knowledge is concerned he is still learning and cannot rationally be "accused" of not knowing "basic principles" of Christianity when experienced witnesses make no issue about this (and in any event there was no evidence... what such principles are...).

Paragraph 86: the judge notes that although Mr Macaulay was unaware of the leaflets, he "welcomed the production". Only if Mr Macaulay had expressed an opinion, for example, that the issue of such leaflets was unwise, misguided premature should this go against the appellant. Mr Macaulay said none of these things. The specific absence of anyone whom the appellant has himself evangelised is not to be taken as evidence of a conversion that is not genuine.

4. The main points I noted from the submissions by Mr McGlashan were these:
 - (i) The judge directed herself correctly on how to approach credibility at [75], but did not go on to apply those principles.

- (ii) By reference to his witness statement, the appellant was talking about his observance of Islam at different periods of his life, and did not contradict himself as found at [79] and [80].
 - (iii) There was no lack of clarity about when the appellant started attending church, as found at [81].
 - (iv) Contrary to [82], the judge should have found that the appellant's evidence at interview about his conversion was supported by what Reverend Macaulay said in a letter, as they were describing the same event.
 - (v) Contrary to [83], the appellant had shown good knowledge of Christianity at interview in a way which could not have been rehearsed.
 - (vi) Properly understood, the evidence was that the appellant was a regular not a transient attender at church groups, [85].
 - (vii) The evidence of the church witnesses covered a long period of conversion in considerable detail. The judge did not take the accumulation of evidence in the appellant's favour into account.
 - (viii) It was accepted that there is no authority for any special rule about the significance of "expert evidence ... specifically in Christian conversion cases". However, in this case the decision of the judge simply mirrored that of the resident, and took no account of anything which went in favour of the appellant.
 - (ix) It was accepted that the evidence did not show that there could be only one outcome within reason, but this was a case which should be heard again by another judge.
5. Having heard also from the respondent, I reserved my decision.
 6. Most of the grounds are self-evidently factual disagreement, and no more.
 7. The submissions for the appellant (some details of which were not foreshadowed in the grounds) made the most of the case the appellant put to the FtT, but I am unable to find in them anything but insistence on the facts.
 8. None of the criticisms showed that the judge took any view which fell outside her reasonable range.
 9. There is no need to go through each issue of fact. By way of examples only, the appellant did contradict himself about the level of his Islamic observance; and when the judge said at [82] that the appellant's description of his conversion was not the same as the episode described by Reverend Macaulay, that was well within the scope of sensible judgment.

10. The grounds do not justify the assertion that the judge failed to apply her self-direction on credibility.
11. The grounds and submissions do not show that the decision of the First-tier Tribunal should be set aside for any error on a point of law. That decision shall stand.
12. No anonymity direction has been requested or made.

A handwritten signature in black ink, reading "Hugh Macleman". The signature is written in a cursive style with a large, stylized initial 'H'.

12 March 2018
Upper Tribunal Judge Macleman