



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

Appeal Number: PA/06974/2018

THE IMMIGRATION ACTS

Heard at Glasgow Upper Tribunal

Decision and Reasons

On 30 May 2019

Promulgated

On 11 June 2019

Before

DEPUTY UPPER TRIBUNAL JUDGE J G MACDONALD

Between

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

**MR JOHN [W]
(ANONYMITY DIRECTION NOT MADE)**

Respondent

Representation:

For the Appellant: Mr A Govan, Home Office Presenting Officer

For the Respondent: Mr W Criggie, Solicitor

DETERMINATION AND REASONS

1. I shall continue to refer to Mr John [W] as the appellant. This is an appeal by the Secretary of State. First-Tier Tribunal Judge Clapham allowed the appellant's appeal in terms of the Refugee Convention and Articles 2 and 3 of the ECHR in a decision promulgated on 11 March 2019. Grounds of application were lodged and permission to appeal granted by Designated Judge of the First-Tier Tribunal Woodcraft in a decision dated 25 March 2019. Thus, the appeal came before me on the above date.

2. For the Secretary of State Mr Govan relied on his grounds. It was said that the Judge had made a material error in law in finding that the appellant was a genuine convert and that Christian converts are at risk in Somalia. The appellant's previous asylum account was "shot through with discrepancies and inconsistencies" (IJ French). Reference is made to well-known case law.
3. The grounds say there is "no evidence recorded in the determination of baptism with reliance of a claimed conversion being based on the evidence of the claimed partner and letters." There was no supporting oral evidence from an official of the church. Even if the appellant was a genuine convert the appellant would face discrimination and harassment and, however unpalatable these may be, they do not amount to persecution or a breach of Article 2 or 3 of ECHR. Mr Govan asked me to uphold the appeal.
4. For the appellant Mr Criggie submitted that the grounds represented no more than a disagreement with the Judge's findings. The Judge had explained (paragraph 70) why Christians suffered more than simply discrimination. The Judge had referred to background material informing that view.
5. The Judge had also considered whether the conversion was genuine (paragraph 71) referring to documentary evidence which supported that view. The Judge had also found evidence from his partner to be credible and that both she and the appellant were practicing Christians who had both attended the Heart for the City Church in Glasgow. There was ample evidence to support the Judge's findings which were sound and well-reasoned and the decision should stand.
6. I reserved my decision.

Conclusions

7. The Judge found that the appellant was from Somalia as claimed (paragraph 69) and there is no challenge to that finding. The Judge went on to evaluate if he were returned to Somalia whether he would be at risk because of his alleged Christian conversion. The Judge refers to considerable background material in paragraph 70 informing the view that Christians suffered from more than simply discrimination and that they were in fact persecuted in Somalia. The Judge went on to ask herself whether the appellant had indeed converted to Christianity (paragraph 71). The Judge referred to a letter from the Heart of Africa stating that he converted to Christianity and they have known the appellant for many years. It also referred to the fact that the appellant legally changed his name via deed poll. There was a letter from Dennis Munai who confirmed that he and the appellant had been friendly for the past six years and that they were members of the same church. There was also a letter from

Reverend Dr Njenga which confirmed that he had known the appellant for several years and confirmed the conversion. The Judge also had sight of the change of name. As mentioned above she heard evidence from the appellant's partner whom she found to be a credible witness and that witness confirmed that both she and the appellant were practising Christians who attended church in Glasgow.

8. Notwithstanding that the appellant's previous account, per the grounds, had been shot through with discrepancies and inconsistencies, the Judge has given many reasons for finding that the appellant's conversion was genuine. There were several different strands of evidence, which taken together, justified the Judge concluding that the appellant's conversion to Christianity was genuine, notwithstanding the fact that his previous account to require international protection was not well founded.
9. The Judge took all the evidence into account and on the evidence before her was entitled to conclude that the appellant's account was genuine and that he faced persecution if returned to Somalia.
10. As such there is no error of law in the Judge's decision which must stand.

Notice of Decision

11. The making of the decision of the First-Tier Tribunal did not involve a making of an error on a point of law.
12. I do not set aside the decision.

Signed *JG Macdonald*

Date 4th June 2019

J G Macdonald
Deputy Upper Tribunal Judge