



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: PA/02755/2017

THE IMMIGRATION ACTS

Heard at North Shields
On 13 July 2018

Decision & Reasons Promulgated
On 01 August 2018

Before

**DR H H STOREY
JUDGE OF THE UPPER TRIBUNAL**

Between

**MR INAM UL-HAQ
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms Marion Cleghorn, Collingwood Immigration Services

For the Respondent: Mr M Diwnycz, Home Office Presenting Officer

DECISION AND REASONS

1. The appellant, a national of Pakistan, has permission to challenge the decision of Judge Cox of the First-tier Tribunal (FtT) promulgated on 3 October 2017 dismissing his appeal against the decision made by the respondent dated 2 March 2017 refusing his protection claim. The appellant's claim to be a Christian convert was disbelieved by the judge.

2. The appellant's grounds of appeal are not numbered but contend that the judge erred in law in:
 - (1) rejecting the appellant's claim to be a Christian convert notwithstanding that she had accepted that the evidence of two pastoral witnesses (Canon Macpherson and Reverend Howells) was impressive and was to be accorded significant weight; and
 - (2) conversely, attaching disproportionate weight to the appellant's adverse immigration history (this was a point extracted by the judge who granted permission to appeal).
3. I express my gratitude to both representatives for their submissions.
4. I am not persuaded that the judge materially erred in law.
5. The grounds are entirely correct to highlight the very positive assessment the judge made of the two witnesses. Having summarised the evidence she heard from the Reverend Howells (who stated that he "had spoken with Canon Macpherson in depth and he affirmed the appellant's sincerity and the authenticity of his faith") and that he (Reverend Howells) "is aware of the possibility of asylum seekers attending church to bolster a false claim" yet "he has never had any doubts about the authenticity of the Appellant's conversion", the judge stated at paragraphs 30 - 35 as follows:
 - "30. During the hearing, the Appellant stated that he had gone to the Community Church because it was very near to his accommodation and when he went there, they were very nice to him. They treated him like they were his father.
 31. In addition, there is a letter from Mr & Mrs Brading in support of the Appellant's appeal. They attest to the genuineness of the Appellant's belief and commitment to the Christian faith.
 32. The Presenting Officer acknowledged that the Appellant has been regularly attending Oxbridge Community Church. However, he submitted that this does not mean that the Appellant is genuinely committed to the Christian faith.
 33. Rev. Howell is a **Dorodian** witness. I found him impressive. I have no doubt that Rev. Howell is acutely aware of his role and responsibility to the individual and the church and would not attend an appeal, if he thought there was anything to suggest that the individual did not have a genuine interest in Christianity. He appreciates that there are individuals who seek to rely on a fraudulent conversion to Christianity and I am satisfied that he and the other members of Oxbridge Community church

would only seek to support those they believe are committed to Christianity.

34. Further, Rev. Howell has seen the Appellant practice his faith regularly for approximately 10 months and has had a good opportunity to assess his faith. He believes that the Appellant is someone with sincere Christian convictions and I am satisfied that Rev. Howell would not have reached that conclusion, if he had any doubts about the Appellant's commitment.

35. Accordingly, I have attached significant weight to Rev. Howell's opinion that the Appellant is a genuine convert. ...".

6. However, there are several difficulties in the way of the submission that by virtue of the positive findings the judge should have accepted that the appellant's conversion was genuine.

7. First, the challenge is essentially to the overall weight the judge gave to the evidence and matters of weight are within the ambit of the judge's evaluative task and the fact that a judge accords different weight than one of the parties seeks does not give rise to an error of law. Ms Cleghorn does not dispute that the task of the judge was to consider the evidence as a whole and then to evaluate it.

8. Second, when it comes to evaluating religious faith, pastoral witnesses are not expert witnesses. To set out the frequently-cited observation, in the nature of religious faith no-one has the ability 'to peer into another's soul'. Certainly, as is recognised by the case law, **Dorodian** included, pastoral witnesses are better-placed than ordinary members of the public to give informed opinions, but no more than that. That is important because of what the grounds contend at paragraph 6 ("The fact that the Judge has substituted his own views of the appellant's conversion to Christianity over those of two witnesses who are acknowledged to be clearly qualified to make this assessment is an arguable error of law", and that the appellant "has convinced experts in the field of his genuine knowledge and belief ..."). Pastoral witnesses are not experts and even if they were, it remains the task of the judge to assess the evidence as a whole; in performing this task a judge does not "substitute his own views", he simply carries out the evaluative assessment he is required to perform. Furthermore, the fact that the judge accepted that the Reverend Howells was an "impressive witness" who had never had any doubts about the authenticity of the appellant's conversion did not oblige the judge to conclude that the appellant was credible. The judge's statement at paragraph 76 that he had no doubt that the reverend is "generally a good judge of character" was expressly defeasible: "generally" is not the same as "invariably".

9. Third, there is nothing in the letters/witness statements nor the oral testimony of the Reverend Howells to show any significant engagement by them with the concern identified by the respondent in the Reasons for Refusal Letter regarding the level of the appellant's knowledge of Christianity. Ms Cleghorn highlighted the fact that


Canon Macpherson has described the appellant in his letter as "... growing as a Christian" and that the Rev Howells described the appellant as "developing a genuine experience of faith". However, the judge's findings on the appellant's relative lack of knowledge about key matters of Christian faith were not based on any assumption that upon conversion the appellant became a fully-fledged Christian. Rather the judge properly considered the appellant's account of how he came to embrace the Christian faith and found it not credible that he should show at relevant points a lack of knowledge (and/or a lack of correct knowledge) of key elements of Christianity. In particular, despite claiming to have converted in May/June 2016 (see paragraph 13) and to have regularly attended a church in Bradford and visited a cathedral in Wakefield and (since November 2016) Oxbridge Community Church twice a week (including a mid-week Bible study group), the appellant was unable at his asylum interview in February 2017 to demonstrate sufficient or accurate knowledge of basic elements of the Christian faith.

10. Ms Cleghorn sought to argue that the judge erred in placing reliance on the state of the appellant's knowledge of Christianity at the date of the asylum interview rather than at the date of hearing, but:
 - (i) the time lapse between the two was only seven months;
 - (ii) the appellant himself did not state at the hearing that there had been any dramatic increase in his knowledge of Christianity since February 2017;
 - (iii) nor do the grounds of appeal raise this point.
11. Mr Diwnycz stated that he was unsure whether the judge had made too much of the appellant's lack of understanding of different denominations (in particular his lack of knowledge of his professed Catholic denomination (see paragraph 56)), but to be precise the judge himself accepted it was "plausible that the appellant would not [have] understood the differences between different Christian denominations" and made clear that that "church denomination is of secondary importance" (paragraph 57). What the judge viewed adversely was the appellant not appreciating "that there were different types of Christian beliefs" (same paragraph). I consider that assessment entirely within the range of reasonable responses.
12. Turning to the second ground, I observe at the outset that the statement by the judge who granted permission that it is "just possible ... the judge may have erred in the weight which he placed on the appellant's immigration history" is unfortunate insofar as it suggests that the only factor weighing on the negative side of the scales against the credibility of the appellant's account was his immigration history.
13. In the first place, there were multiple aspects to the appellant's adverse immigration history, each of significance: his delay in claiming asylum; his inconsistency regarding his claim to have first claimed asylum in Ireland; his lack of adequate explanation of why he had not claimed asylum at a police station soon after he

returned to the UK; and the implausibility of his claim not to have thought about using the internet for information on how to claim asylum in the UK.

14. Secondly, counter posed to the positive evidence of the appellant's witnesses, there was the appellant's lack of knowledge of Christianity and the fact that in more than one respect his evidence regarding his claimed journey towards Christianity was internally inconsistent
15. For the above reasons I conclude that the judge's assessment was properly based on an assessment of the evidence as a whole and was lawful, rational and reasonable.
16. Since the grounds fail to establish any error of law the decision of the FtT must stand.

No anonymity direction is made.

Signed: 

Date: 26 July 2018

Dr H H Storey
Judge of the Upper Tribunal