Upper Tribunal
(Immigration and Asylum Chamber) Appeal Number: PA/03571/2018

THE IMMIGRATION ACTS

Heard at Liverpool	**Decision & Reasons Promulgated**
On 16 July 2018	**On 3 October 2018**

Before

DR H H STOREY
JUDGE OF THE UPPER TRIBUNAL

Between

PARVIZ SHIRKHANLOO
(ANONYMITY DIRECTION NOT MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr G Brown, Counsel, instructed by Greater Manchester Immigration Aid Unit
For the Respondent: Mrs H Aboni, Home Office Presenting Officer

DECISION AND REASONS

1. The appellant, a national of Iran, challenges a decision of Judge Raikes of the First-tier Tribunal (FtT) sent on 1 May 2018 dismissing his appeal against the decision made by the respondent on 1 March 2018 refusing his protection claim.

2. The grounds contend that the judge erred in law in (1) failing to give adequate reasons for rejection of the "**Dorodian** witness evidence of Lt Brown"; and (2) failing to properly consider whether the appellant would be at risk of harm upon return as a failed asylum seeker who had gone through an actual Christian conversion [even though disbelieved as to genuineness] and exited Iran illegally.

   I am not persuaded by ground 1. The judge's assessment of Lt Brown's evidence is set out at paragraphs 32-34 and is summarised at paragraph 36 as follows:

   > "I find that whilst, as stated, Lt Brown does wish to assist him, and indeed that she is the Minister of Ellesmere Port Salvation Army, I am not satisfied, given not only, in my view, the very limited period of time the Appellant has been attending her church, and the again limited number of what she describes as in depth conversations with him, particularly when taking into account the barriers in respect of language and understanding of each other that clearly exist, that her evidence can be viewed as confirming that the Appellant is a genuine convert or indeed that she can attest to that being the case. Further I have also noted that Lt Brown was clear that there were prescribed processes followed by the Salvation Army as an organisation in respect of deciding who became a member of such a church but being baptised or undergoing baptism was not one of them. She was also clear that baptism did not, in their view, need to be undertaken in order to find that an individual was a genuine convert."

3. Mr Brown contends that the judge failed to take into account that in the relatively short period of time the appellant had been in the UK (he arrived in late October 2017) he had really done all he could to find a place of worship and demonstrate the sincerity of his faith; and that over a period of five months the fact that Lt Brown had had four in-depth conversations with the appellant regarding his faith should have been recognised as evidence of close examination. However, the task of the judge was to assess the evidence as a whole and as part of that exercise the judge had to consider the appellant's claim to having converted to Christianity in all its aspects, including his claim that he became involved with Christianity in Iran and had narrowly escaped being arrested in a house raid. The judge identified significant shortcomings in the appellant's account of his experiences in Iran, including material investigations and lack of detail.

4. As regards the judge's treatment of Lt Brown, he made clear that she had no doubts as to the sincerity of his evidence, but correctly recognised that it was for him to assess the issue of the genuineness of the appellant's claim to be a Christian convert in light of the evidence as a whole. Mr Brown is right to say that the appellant had not had much time since arrival in the UK to form connections with places of worship, but it remains that the period of time over which Lt Brown had been able to observe the

appellant was limited and the times when she had had the opportunity to engage with him in-depth had been limited (to four). I consider it was open to the judge to reduce the weight he felt able to attach to the evidence of Lt Brown for these two reasons. It was also open to the judge to treat the appellant's quest to be baptised, even when he had committed to worshipping in the Ellesmere Port Salvation Army, as incongruous and "as an attempt by the appellant to evidence his claim in another form". Given the appellant's choice to worship in the Salvation Army, it was also within the range of reasonable responses for the judge to attach significance to the fact that "little evidence [had been] presented as to the appellant's genuine wish to proselytize".

5. The judge also found at paragraph 46 that the appellant had not established that he had exited Iran illegally. Again, I consider that the judge's findings as regards this issue were sound. The burden was on the appellant to establish that he had exited illegally and he had not discharged that burden. The judge was clearly aware when making this finding that the appellant's account was that his passport was in Iran and it had expired and that he had travelled to Turkey by foot.

6. Mr Brown argues that even on the premise that the appellant was found not to be a genuine convert, it was not in dispute that he had obtained a certificate of Baptism and that he would be obliged when returning to Iran (because he could not be expected to lie) to tell the authorities that he had converted to Christianity. He relies in this respect on the proposition (set out, inter alia in **RT (Zimbabwe) & Ors v Secretary of State for the Home Department** [2012] UKSC 38) that a claimant cannot be expected to lie to the authorities on return. However, given the judge's findings that the appellant had not left Iran illegally and had not converted to Christianity, the appellant would not, on return, have to lie about his religion since it, by default, is Islam. I do not consider that the principle that a claimant cannot be expected to lie necessitates that the appellant inform the Iranian authorities of his efforts to maintain he was a Christian convert, but in any event, as someone who had not exited illegally it was open to the judge – consistently with the guidance set out in **HR (illegal exit: failed asylum seeker) [2016] UKUT 308 (IAC)** – to conclude that the Iranian authorities would have no adverse interest in him.

Notice of Decision

7. For the above reasons, I conclude that the judge did not materially err in law and that his decision to dismiss the appellant's appeal must stand.

8. No anonymity direction is made.

Signed: Date: 27 September 2018

Dr H H Storey
Judge of the Upper Tribunal