



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: PA/08320/2017

THE IMMIGRATION ACTS

Heard at Bradford
On 11 June 2018

Decision & Reasons Promulgated
On 13 June 2018

Before

UPPER TRIBUNAL JUDGE LANE

Between

LIANG FANG HE
(ANONYMITY DIRECTION NOT MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms Sanders instructed by Bankfield Heath Solicitors
For the Respondent: Mr Mills, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant, Liang Fang He, was born on 14 October 1990 and is a female citizen of the People's Republic of China. She arrived in the United Kingdom on a false passport on 1 October 2011. She claimed international protection on 26 June 2014

having been served with a notice indicating her liability for removal. By a decision dated 16 August 2017, the Secretary of State refused the appellant international protection. She appealed to the First-tier Tribunal (Judge Hillis) which, in a decision promulgated on 18 October 2017, dismissed the appeal. The appellant now appeals, with permission, to the Upper Tribunal.

2. The appellant claims to fear persecution and ill-treatment in China because she is a Christian. She claims to have been detained in China in the past as a consequence of preaching Christianity.
3. The renewal grounds to the Upper Tribunal do no more than reject the reasons given by the First-tier Tribunal for refusing permission, namely that the grounds of appeal were little more than a disagreement with findings available to the First-tier Tribunal Judge.
4. The original grounds of appeal to the First-tier Tribunal challenge Judge Hillis' decision on the basis that he erred in law by rejecting the core of the appellant's claim to be a genuine Christian. At [34–36] of his decision, Judge Hillis wrote:
 34. I acknowledge as did the respondent, that the appellant correctly answered a number of questions about Christ notwithstanding the interviewer's own error that Judas received 30 pieces of gold when it was 30 pieces of silver for "betraying Christ".
 35. The appellant was unable to answer a number of questions which a genuine follower of Christ who distributed Christian books and taught children about Christ could not, in my judgment, fail to be aware of, namely the Last Supper and the significance of Holy Communion. I remind myself there is no evidence before me from Reverend Chan that the appellant partakes of Holy Communion at his church.
 36. I conclude on the evidence taken as a whole, that the appellant has failed to show to the low standard required that she is a genuine follower of the Christian faith.
5. The appellant submits that this finding is "a subjective assessment" of the appellant's knowledge of the Christian faith. In her oral submissions Ms Sanders, who appeared before the Upper Tribunal on behalf of the appellant, suggested that the judge had established a 'hierarchy' of knowledge of Christianity whereby ignorance of certain facts cast doubt on the genuineness of the appellant's faith whilst that of other facts did not.
6. I disagree with Ms Sanders. I consider that it was open to Judge Hillis to take judicial knowledge that the Last Supper and Holy Communion are absolutely central to the Christian faith. Indeed, it would arguably have been open to the judge to conclude that, notwithstanding her knowledge of other aspects of Christianity, the fact that the appellant did not know the meaning of Holy Communion completely undermined her claim to be a genuine Christian.

7. The second ground of appeal concerns the judge's treatment of the evidence of the witness, Reverend Chan. Reverend Chan had provided several pieces of written evidence and also attended the hearing before the First-tier Tribunal. Details of his attendance are not dealt with in terms in the decision but his evidence is addressed by the judge at [28–32]. The judge did not err by refraining from relating in detail the evidence given at court by Reverend Chan; it is sufficient that he has summarised that evidence and assessed it under the heading "Findings as to Credibility and Fact". At [29] the judge records that Reverend Chan adopted the contents of his letters of 8 October 2016 and 12 September 2017. Before the Upper Tribunal, it became apparent that, on the day of the hearing before the First-tier Tribunal, a further statement by Rev Chan had been put in evidence. My copy (provided by Mr Mills, who appeared for the Secretary of State; there was no copy on the court file) has no date and is not signed but I am prepared to accept that it was put in evidence as claimed. The statement is short and adds little to Reverend Chan's previous written evidence but does at [2] state that, "I cannot say that I know [the appellant] very well but I do believe that she is a genuine Christian". Ms Sanders submitted that the judge's conclusion at [32] that "Reverend Chan's evidence gives no support as to the genuineness of the appellant's Christian faith" could not stand in the light of the fact that the statement did confirm that Reverend Chan believes that the appellant is a genuine Christian.
8. It is important to read Judge Hillis' decision in its entirety. Paragraph [32] follows on from the judge's analysis of Reverend Chan's evidence. The judge's finding at [32] is not, in my opinion, a misreading of what Reverend Chan says in his statement. Rather, it is an indication that, having weighed the evidence and given reasons, Reverend Chan's evidence was not sufficient to provide support for the appellant's claim. I do not accept that the judge has failed to understand the evidence accurately.
9. The appellant claimed to have been detained in a labour camp having been arrested for preaching Christianity to children in China. The judge noted [37] that "the fact that such camps actually existed is, in my judgment, not significant as the relevant point is that although they did exist they have now been abolished and are now closed". It is not entirely clear what the judge means by that statement. The grounds of appeal suggest that the judge failed to reconcile the appellant's evidence that she was kept in the camp after it had been closed to *new inmates* [appellant's emphasis]. In any event, the representatives did not argue that anything material turned on the judge's statement. Rather, Ms Sanders submitted that the judge had failed to give any reasons for rejecting the appellant's claim to have been detained. I do not agree. The judge has referred, correctly, to the fact that Section 8 of the 2004 Act was in play in this appeal given that the appellant had only claimed asylum after being arrested for working illegally. Although the wording used by the judge at [37] is not wholly clear, I am satisfied that at [37–39] the judge has rejected the appellant's claim to have been detained because, having considered all the evidence, he did not accept that she was a reliable witness. Having rejected, for reasons available to him on the evidence, that the app was not a Christian, then the appellant's claim to have been detained for

preaching Christianity could not stand. Further reasoning for rejecting the account of the detention was unnecessary.

10. There was no challenge to the judge's findings in respect of Article 8 ECHR.
11. Judge Hillis has weighed the various items of evidence and has reached findings available to him. His analysis of the evidence both oral and written of Reverend Chan is adequate and the weight which he has attached to that evidence has been supported by sufficient reasoning. The judge was entitled to reject the appellant's claim to be a Christian on account of her ignorance of central tenets of the Christian faith, ignorance so fundamental that it outweighed the correct answers about the faith which the appellant was able give. Having found that the appellant was not a genuine Christian, the judge was entitled to reject her claim to have been detained in a labour camp without giving further reasons as that claim was predicated on her claim to be a Christian being genuine. Section 8 of the 2004 Act was also relevant in this appeal and the judge has attached appropriate weight to the circumstances surrounding the timing of the appellant's claim for asylum as a factor in his analysis. In all the circumstances, the appeal is dismissed.

Notice of Decision

12. This appeal is dismissed.
13. No anonymity direction is made.

Signed

Date 12 JUNE 2018

Upper Tribunal Judge Lane

TO THE RESPONDENT
FEE AWARD

No fee is paid or payable and therefore there can be no fee award.

Signed

Date 12 JUNE 2018

Upper Tribunal Judge Lane