



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

Appeal Number PA/09117/2017

THE IMMIGRATION ACTS

Heard at Manchester CJC
On 20th February 2019

Decision and Reasons Promulgated
On 6th March 2019

Before

DEPUTY UPPER TRIBUNAL JUDGE PARKES

Between

M S
(ANONYMITY DIRECTION MADE)

Appellant

And

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

For the Appellant: Ms J Sachev (Legal Representative, Bury Law Centre)
For the Respondent: Mr C Bates (Home Office Presenting Officer)

DETERMINATION AND REASONS

1. The Appellant claimed asylum on the basis of his conversion to Christianity and events in Iran arising out of his expression and following his new faith. His application was refused. The appeal against the decision was heard by First-tier Tribunal Judge Evans who dismissed the appeal for the reasons given in the decision promulgated on the 26th of February 2018. The Judge rejected the Appellant's account of events in Iran and considered his conversion and faith as a separate matter finding that the Appellant was not a genuine convert and in the circumstances the Appellant was not in need of international protection.

2. The Appellant sought permission to appeal to the Upper Tribunal on the basis that the Judge had failed to consider whether the Appellant was credible with regard to his religious observance in the UK. Although the Judge had rejected the Appellant's credibility in some aspects, following Chiver, the Judge could have found the Appellant credible in respect of other aspects.
3. The evidence of the supporting witnesses had been rejected when there were no specific shortcomings in their evidence. Permission was initially refused but granted on a renewed application to the Upper Tribunal on the basis that it was arguable that the Judge erred in placing reliance on inconsistencies between his Screening Interview and later evidence.
4. At the hearing both parties maintained their respective positions. The oral submissions are set out in the Record of Proceedings and are referred to where relevant below. In summary it was submitted for the Appellant that the rejection of the Darodian witnesses was erroneous, although they were not aware of the Appellant's full history the decision did not take account of the actual role of the church and that baptism is re-birth. Relying on Chiver the rejection of one part of the Appellant's evidence did not lead to a wholesale rejection of the case. So far as YO (China) was concerned
5. For the Home Office it was argued that the Refusal Letter had identified discrepancies and the Judge had to engage with that and had considered the representatives letter and there had been no reasonable explanation for the Appellant's wife's non-attendance. In the Screening Interview the Appellant had given developed answers. The Judge had rejected the Appellant's explanation about events leading to his conversion and none of the supporting witnesses knew about how or why the Appellant had become a Christian or about the miracle in Iran and some did not know about the baptism. The Appellant's evidence and the explanations including the solicitors letter had been considered. The Judge needed to look carefully at the question of conversion.
6. The fact that an Appellant has given an account which is found to be incredible in a core aspect does not automatically lead to a finding that all aspects of the claim are false but such findings are relevant in the assessment of the Appellant's evidence in respect of other matters that are relied on. The Judge was clearly aware that such an approach would be inappropriate as the observations in paragraph 48 of the decision demonstrate.
7. The analysis that followed paragraph 48 treated the evidence of the supporting witnesses discretely. In paragraphs 50 to 54.4 the Judge discussed the evidence that related to the Appellant's practice of Christianity in the UK and did not dismiss the views of the witnesses as lacking bona fides. The Judge was troubled by their lack of knowledge of the Appellant himself and his personal history as had been related to the Judge in the Tribunal papers.

8. The supporting witnesses were in the nature of experts and while their views attracted weight the decision remained that of the Judge who gave reasons for not accepting that their view of the Appellant was correct. To repeat the decision was not simply an exercise whereby because one aspect of the Appellant's account had been rejected the Judge rejected it all out of hand, a considered analysis and reasons were given.
9. On a proper and fair reading of the decision the Judge's approach to the evidence cannot be said to be superficial or inappropriate. The analysis of the Appellant's claim regarding events in Iran and his conversion was justified and the discrepancies relied on by the Secretary of State properly analysed. The Judge did not treat those as determinative of the case but looked to the supporting evidence and analysed that independently. In the circumstances the decision was open to the Judge for the reasons given and the decision does not contain an error of law. Accordingly the decision of the First-tier Tribunal stands as the disposal of the Appellant's appeal.

CONCLUSIONS

The making of the decision of the First-tier Tribunal did not involve the making of an error on a point of law.

I do not set aside the decision.

Anonymity

The First-tier Tribunal made an order pursuant to rule 45(4)(i) of the Asylum and Immigration Tribunal (Procedure) Rules 2005.

I continue that order (pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008.)

Fee Award

In dismissing this appeal I make no fee award.



Signed:
Deputy Judge of the Upper Tribunal (IAC)

Dated: 4th March 2019

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