



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

Appeal Number: PA/12326/2017

THE IMMIGRATION ACTS

**Heard at Manchester
On 9 November 2018**

**Decision & Reasons Promulgated
On 18 February 2019**

Before

UPPER TRIBUNAL JUDGE LANE

Between

**AH
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: In person

For the Respondent: Mr Tan, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant, AH, was born 1 January 1992 and is a male citizen of Afghanistan. By a decision dated 7 June 2017, the Secretary of State refused the appellant international protection. The appellant appealed to the First-tier Tribunal (Judge Malik) which, in a decision promulgated on 31 July 2018 dismissed the appeal. The appellant now appeals, with permission to the Upper Tribunal.
2. The appellant appeared before the Upper Tribunal without a representative. He had previously applied for an adjournment in writing by a letter dated 6 November 2018. That application had been refused by

Mr Asim Hussain, a lawyer of the Upper Tribunal (IAC). The appellant had sought an adjournment on the basis that he was unable to find a legal representative. He also complained that he would be unable to understand the proceedings unless a Dari interpreter was booked to assist him. Mr Hussain, refusing the application, stated that an interpreter would be provided at the Upper Tribunal hearing but found also that the appellant had sufficient time to find alternative legal representation.

3. On 9 November 2018 at the Upper Tribunal hearing, the appellant renewed his application for an adjournment. Having regard to the fact that the grounds for the adjournment were identical to those put before Mr Hussain and rejected by him, I also rejected the application for an adjournment. I consider that the appellant had had sufficient time to obtain legal representation. I was also satisfied that, with the assistance of a Dari interpreter, the appellant was fully capable of understanding the proceedings in the Upper Tribunal.
4. The appellant claimed to be a convert to Christianity. He claimed also that he had encountered problems with the Taliban in Afghanistan which made him fear returning to his native country. At [25], the judge gave detailed reasons for rejecting the appellant's claim to have encountered problems with the Taliban. I consider the appellant's challenge to the decision in that respect is nothing more than a disagreement with findings available to the judge on the evidence. The judge also rejected the appellant's claim to have converted to Christianity. Granting permission, Judge Doyle, noted that the judge's assessment of the appellant's claimed conversion to Christianity may have been "undermined by *TF and MA* [2018] CSH 58."
5. I have considered what the judge has said regarding the appellant's claimed conversion to Christianity very carefully. I cannot identify any error of law in his analysis. Unlike the appellants in *TF and MA*, the appellant's attendance at the Holy Innocence Church has been very recent. The letter from the warden of the church, Hillary Jones, dated 8 July 2018 before the First-tier Tribunal Judge states that "[the appellant] is relative new to our congregation so there is not a lot to say about him!" The appellant had started attending the church early in 2018. Notwithstanding his recent involvement with the church, Ms Jones confirmed that the appellant had been baptised "the other week". The judge found that the evidence of Ms Jones contradicted that of the appellant who claimed that he was unable to read or write; Ms Jones indicated that the appellant "can read and follow Farsi." The judge therefore rejected the appellant's claim that he was able to follow and understand the religious services and this led him, in turn, to find that the appellant was not a genuine convert to Christianity. The judge observed that "mere attendance at church did not to the lower standard indicate a genuine conversion to Christianity."
6. Given the fact that the appellant had only attended the church at the beginning of the year and that the written evidence from Ms Jones was not

unequivocally supportive and, in any event, appeared to contradict that the appellant himself, I am satisfied that the judge did not arguably err in law by concluding that the appellant was not a genuine convert. I am satisfied that he has given appropriate weight to the evidence of Ms Jones. That evidence was only of limited assistance to an appellant whose credibility otherwise the judge had given good reasons for rejecting.

7. I am satisfied that the First-tier Tribunal's analysis of the evidence was legally sound and that it achieved findings of fact which were plainly available to it. I can identify no reason to set aside the decision for the reasons advanced by the appellant or at all.

Notice of Decision

This appeal is dismissed.

Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until a Tribunal or court directs otherwise, the appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him or any member of their family. This direction applies both to the appellant and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.

Signed

Date 1 February 2019

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 1 February 2019

Upper Tribunal Judge Lane