



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

Appeal Number: DA/00303/2013

THE IMMIGRATION ACTS

Heard at Birmingham

On 9 June 2014

Determination

Promulgated

On 9 June 2014

Before

UPPER TRIBUNAL JUDGE PITT

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

SG

(ANONYMITY ORDER MADE)

Respondent

Representation:

For the Appellant: Mr Hibbs, Senior Home Office Presenting Officer

For the Respondents: Ms Afzal, instructed by Law Clinic

DETERMINATION AND REASONS

The Appeal

1. This is an appeal against the determination dated 7 October 2013 of First-tier Tribunal Judge Lloyd and Mr G F Sandall which allowed appellant's appeal against the respondent's decision to deport him.

2. For the purposes of this appeal I refer to the Secretary of State for the Home Department as the respondent and to SG as the appellant, reflecting their positions before the First-tier Tribunal.
3. The appeal was allowed under the Refugee Convention and Articles 3 and 8 of the ECHR.
4. The grounds of appeal maintain that the First-tier Tribunal did not give adequate reasons for finding that the appellant had shown that he had made a genuine conversion to Christianity. The grounds also maintained that the First-tier Tribunal failed to address properly the late nature of the claim to conversion, the lack of evidence as to the level of any involvement in Christianity and the lack of credibility in other aspects of his evidence.
5. The grounds also maintained that the Article 8 findings were unsustainable given that the appellant's family and private life could not in any circumstances defeat automatic deportation and that this aspect of the appeal had really been allowed only as the Refugee and Article 3 claims had succeeded, so contained an error in the same way.
6. I did not find that the grounds had merit. The challenge that inadequate reasons were given is essentially a procedural one, the respondent maintaining that she was not in a position to know why the appeal was allowed. The First-tier Tribunal set out their reasoning on the appellant's conversion to Christianity at [53] to [63]. Those reasons were sufficiently detailed to show the principles upon which the First-tier Tribunal acted and the reasons for its decision. The First-tier Tribunal did not err as regards procedural fairness to give reasons explaining its decision.
7. I also did not find that the First-tier Tribunal failed to address the late claim to have converted to Christianity, the lack of evidence on the level of the appellant's practice of his faith or the lack of credibility in other aspects of the applicant's claim.
8. The panel showed clearly at [60] that they appreciated the lateness of the claim, thus:

"It has to be said that the appellant came to Christianity late in the day in the context of his asylum claim. This could be interpreted in two ways - in fairness to him he did not seize upon Christianity for tactical reasons on or soon after arrival but given our findings as to his credibility, we have looked carefully at this aspect of the claim. Only a short time ago he was considering Zoroastrianism."
9. The Tribunal note the context of the claim to have converted to Christianity and therefore assess that claim "carefully". That approach is without error.
10. At [61] the Tribunal went on to state:

“He [the appellant] is a Muslim who has converted to Christianity and been baptised into the church. Reverend Goss has many years experience as a Church of England minister and of Iranian converts. He has known the appellant for a fairly short term, only a few months, but sees him every week and visits him regularly in his home as well as seeing him at church. We find ourselves able to accept his opinion that the appellant is a genuine and committed convert. We therefore accept this aspect of the evidence”

11. It was open to the Tribunal to find that the appellant’s evidence, when supported by that of Reverend Goss, was sufficient to show a genuine conversion, particularly so where the weight afforded to Reverend Goss’s evidence is not questioned by the respondent.
12. As regards the level of activity or involvement of this appellant and his intentions on return to Iran, at [56] the Tribunal recorded the appellant’s evidence that it was his understanding that it was a “principle of the Christian religion to invite others to Christianity to share the glad tidings and he would do so in Iran.”
13. At [57] the Tribunal records the evidence of Reverend Goss that the appellant:

“... had a deep faith which he wanted to communicate. Preaching and proselytising could take different forms - it was not a matter of standing on a street corner but could involve private discussion with a few people.”
14. At [63], the Tribunal concluded:

“As the appellant said he wished to promote his faith and Reverend Goss believed he would do so we find a real risk that the appellant would be persecuted in Iran for a UN Convention reason if returned and face a breach of his article 2/3 rights.”
15. That appeared to me to set out the Tribunal’s reasoning clearly, adequately and sustainably. The appellant gave evidence that he wished to proselytise, his evidence was supported by Reverend Goss and was accepted. The Tribunal found that proselytising would lead to a real risk of mistreatment. No error arises.
16. I accept that, in essence, the Article 8 claim was allowed by the First-tier Tribunal as the Refugee Convention and Article 3 claims had been allowed rather than there being a substantive Article 8 claim that could defeat deportation; see the final sentence of [72]. It remains the case that where the findings under the Refugee Conventions and Article 3 stand, nothing material arises.

Decision

16. The decision of the First-tier Tribunal does not disclose an error on a point of law such that it should be set aside and therefore and shall stand.

Signed: 
Upper Tribunal Judge Pitt

Date: 9 June 2014

I make an anonymity order under Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 in order to prevent the facts that form the substance of this claim leading to a likelihood of severe harm to the appellant.