



**Upper Tribunal  
(Immigration and Asylum Chamber)  
PA/02421/2015**

**Appeal Number:**

**THE IMMIGRATION ACTS**

**Heard at Liverpool**

**Decision & Reasons**

**On 29<sup>th</sup> November 2016**

**Promulgated**

**On 19<sup>th</sup> July 2017**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE D E TAYLOR**

**Between**

**MORTEZA ALSAFI  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr H Pratt, Solicitor instructed by WTB Solicitors

For the Respondent: Mr G Harrison, Home Office Presenting Officer

**DECISION AND REASONS**

1. This is the appellant's appeal against the decision of Judge Smith made following a hearing at Manchester on 18 July 2016.

**Background**

2. The appellant is a citizen of Iran born on 15<sup>th</sup> July 1976. He arrived in the UK on 8<sup>th</sup> July 2015 and claimed asylum. He was refused on 26<sup>th</sup> October 2015 and appealed to an Immigration Judge.

3. The basis of the appellant's claim is that he would be at risk on return as a consequence of having converted to Christianity. The appellant accepted that, when he first came to the UK, in his screening interview, he had made up a story stating that he had changed religion in Iran and had been persecuted by the Basij. At his asylum interview he accepted that his original story was not true and he had lied in order to generate a false asylum claim. He told the respondent that initially he had first attended church for the purpose of making a case. At question 11 of the interview, when asked how long he had been a Christian, he said:

“Two or three days after I arrived in Liverpool I started going to church. First I went over there for the purpose of making a case but then I slowly, slowly saw the kindness of the pastor and the sisters and brothers at the church attracted me.”

4. The judge noted that the appellant accepted he had told untruths and said it was not clear at what stage the appellant was stating that he genuinely became interested in converting to Christianity. He considered all of the evidence, including a letter from the pastor of the church at D1 of the respondent's bundle. The pastor said that the appellant had constantly attended the church since 28<sup>th</sup> July 2015 and was baptised on 13<sup>th</sup> September 2015. The letter itself is undated.

5. The judge wrote as follows:

“This witness's evidence appears to me to be fundamentally undermined by the fact that at an earlier stage he provided a letter produced by the appellant to the Home Office in support of the asylum application stating that he believed then that the appellant was genuine in his faith. The appellant has accepted that at the time of this letter by the pastor he was not a genuine convert. It seems to be reasonable to conclude that given the “slowly slowly” nature of the claimed conversion that when the pastor baptised him as a Christian in September 2015 was still not genuine. Given his account as to the importance to him as a Christian and telling the truth I am satisfied that if he was giving a wholly truthful account he would have felt obliged to disclose to the pastor at the time of the baptism that his conversion to Christianity was much more recent than the pastor had thought.”

6. The judge considered all of the evidence and dismissed the appeal.

7. The appellant sought permission to appeal on the grounds that the judge had made a material error of fact. The appellant's evidence was that the letter, as can be seen from its contents, clearly postdates the appellant's baptism on 13<sup>th</sup> September 2015. It was therefore evidently produced

after a time when according to the appellant he had genuinely converted. As a matter of the evidence before him, the judge had made a significant mistake in stating that it was produced at a time when the appellant, according to his own evidence, was being disingenuous.

8. Permission to appeal was initially refused by Judge Froom on 22<sup>nd</sup> August 2016 but subsequently granted by Upper Tribunal Judge Jordan on 21<sup>st</sup> September 2016.
9. On 10<sup>th</sup> October 2016 the respondent served a detailed reply. In the respondent's view, the judge had considered all of the evidence and whether the letter pre or postdated the time that the appellant now claims to have genuinely converted was immaterial. Considering the weight of the evidence against the appellant any error in the treatment of the letter from the pastor could not conceivably tip the balance in the appellant's favour.

### **Submissions**

10. Mr Pratt relied on his grounds. He submitted that the judge had committed a significant error of fact which had tainted his treatment of the other evidence before him. The pastor's evidence was central to the appellant's case and the judge had wrongly concluded that it was compromised.
11. Mr Harrison defended the determination and submitted that it was difficult to say when the appellant had stopped telling lies. The pastor had undoubtedly been deceived in the past and any error was immaterial.

### **Findings and Conclusions**

12. The judge was undoubtedly wrong when he said, at paragraph 29 of the determination:

“The appellant has accepted that at the time of this letter by the pastor he was not a genuine convert.”

13. The question here is whether that error is such as to undermine the safety of the judge's conclusions as a whole. The appellant has said a number of different things about when he said he converted. In his asylum interview he said that, at question 15, that he became interested in Christianity from the moment when he was in Greece, addicted to drugs, sleeping rough, and he realised that the 25<sup>th</sup> December 2012 was the birthday of Christ. He then gave evidence to the effect that when he attended his screening interview in July 2015 he was feigning interest in Christianity. The judge was entitled to highlight the contradiction in these two positions. He wrote:

“Despite this period of exposure to the Christian faith he had not genuinely converted by July 2015 and I am not persuaded by the appellant's account that between July 2015 and the A1 in October

2015 that the kindness of the pastor and the congregation had genuinely converted him.”

14. There is therefore no mistake of fact in relation to the judge’s core understanding of the appellant’s case.
15. Moreover, even if the judge was wrong to state that at the time of the original letter, it was accepted that he was not a genuine convert, the point that the judge makes at the end of the paragraph still holds good. If the appellant was giving a wholly truthful account he would have felt obliged to disclose to the pastor at the time of his baptism that his conversion to Christianity was much more recent than the pastor had thought. This passage shows that the judge correctly understood that the appellant’s evidence to be that he had only genuinely converted to Christianity a month before his baptism, even if he was wrong to say that the letter was written at an earlier stage. At the end of the day the appellant does accept that there was a point when he was deceiving the pastor.
16. Furthermore the pastor himself, when he gave oral evidence, said that he was not quite sure that the appellant was a genuine convert, observing that only God would really know. It was simply his opinion that he was.
17. The judge properly considered the other supporting evidence including letters signed by members of the congregation. Again, the point he makes in relation to the appellant having duped the pastor at some point in the past is still a good one. As the judge said:

“If he was capable of wrongly convincing the pastor of the church as to this point I am satisfied that he was capable of wrongly persuading other members of the congregation of his bona fides.”

18. In summary therefore, whilst the judge was wrong to state that his evidence was that by the time the letter was written, the appellant had not genuinely converted the error is not sufficient to upset the judge’s overall findings. It was properly open to the judge to conclude that, having employed deception in the past, he was not satisfied that the appellant was not continuing to do so both in relation to the pastor and to the other members of the congregation.

### **Notice of Decision**

19. The appellant’s appeal is dismissed. The judge’s decision stands.

No anonymity direction is made.

Signed

Deborah Taylor

Deputy Upper Tribunal Judge Taylor  
2017

Date 18 July