



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: PA/10304/2016

THE IMMIGRATION ACTS

Heard at Glasgow
On 2 May 2018

Decision & Reasons Promulgated
On 9 May 2018

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

ALI REZA AHMADI

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr U Aslam, of McGlashan MacKay, Solicitors
For the Respondent: Mrs M O'Brien, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. This decision is to be read with:
 - (i) The respondent's decision dated 9 September 2016, giving reasons for refusing the appellant's claim.
 - (ii) The appellant's grounds of appeal to the First-tier Tribunal, filed on 26 September 2016.
 - (iii) The decision of FtT Judge Porter, promulgated on 27 July 2017.
 - (iv) The appellant's grounds of appeal to the UT stated in the application for permission to appeal made to the FtT, dated 10 August 2017.
 - (v) The refusal of permission by FtT Judge Pooler, dated 20 October 2017.

(vi) The grounds of appeal stated in the application for permission to appeal made to the UT, received on 21 November 2017 (adopting previous grounds and disputing the refusal of permission).

(vii) The grant of permission by UTJ Gleeson, dated 22 January 2018.

2. The complaint in ground 1 is that the appellant was denied a fair hearing, because the judge failed to ask his supporting witness from the Tron Church whether a married businessman was likely to experience an epiphany leading to his conversion.
3. Having considered the submissions on this point, no unfairness of procedure is shown. It was clear from the evidence of the witness that he thought it possible for someone like the appellant to convert. The judge understood that. Fairness did not require her to ask the witness for further comment.
4. Further, it appears highly unlikely that the witness had anything more specific and useful to say if he had been asked. The ground does not suggest that he did.
5. As developed in submissions by Mr Aslam, the challenge to paragraph 31 of the decision was not denial of a fair hearing. Rather, it was the reaching of a finding purportedly based on general plausibility or credibility, which the judge muddled together, but in reality based only on the judge's opinion and conjecture, with no reasoning to underpin it.
6. Mrs O'Brien submitted that the judge's findings were not generalised or unreasoned, but arose from the appellant's own account.
7. Ground 1, as developed in submissions, does not show error through conjecture. The judge did not think it impossible for anyone to make a surprising life-changing decision, or for anyone to have the luck not to be present at the time of a raid by the authorities in which he might have been caught up (ground 2). She was simply not persuaded, having had the advantage of hearing the appellant giving his oral evidence, that his account was even reasonably likely to be true. The outcome, and the several features on which she founds, are not speculative, but within the scope of reason.
8. Ground 3 (as originally presented) is based on the judge having found it inconsistent that the appellant had not proceeded significantly in his development as a Christian, and so having apparently concluded that he was "a liar, but not a very good one", without explaining why he might not simply have been having genuine difficulty with the conversion process; and thus, a relevant matter was left out of account.
9. In the grounds as renewed, the appellant added that on "any proper reading" the judge concluded that the appellant was not credible and then that "evidence from Tron church officials did not displace that conclusion". Reference was made to *Mibanga v SSHD* (without supplying the citation, which is in the grant of permission: [2005] EWCA Civ 367, [2005] INLR 377).

10. It is not shown that the judge did overlook the possibility of difficulty or delay in an ongoing genuine process of conversion. She was simply not persuaded that this was a genuine process of conversion at all. This part of the grounds looks for a distinction which is not there, and is only another way of probing for disagreement on the facts.
11. There was no error of making a negative assessment, then seeing whether other material displaced it. Judges must set out their points in some order. The judge said at ¶30, before any of her findings, that she had considered all the evidence. She said at ¶33, after all her findings, that her conclusion was “on the basis of all the above factors”. The appellant has not pointed to anything in the decision whereby she should not be taken at her word.
12. The decision of the First-tier Tribunal shall stand.
13. No anonymity direction has been requested or made.

A handwritten signature in black ink, reading "Hugh Macleman". The signature is written in a cursive style with a large, stylized initial 'H'.

2 May 2018
Upper Tribunal Judge Macleman