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Heard at Field House

AJ (Risk- Christian Convert)  
Pakistan CG [2003] UKIAT  
00040

On 21 July 2003  
Dictated 21 July 2003

## **IMMIGRATION APPEAL TRIBUNAL**

Date Determination notified:

15.08.03

**Before:**

**Mr P R Lane (Chairman)**  
**Mrs S Hussain, JP**

**Between**

**APPELLANT**

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

**RESPONDENT**

### Representation

For the appellant: Mr F Khan of HSK Solicitors

For the respondent: Mr J Wyatt, Home Office Presenting Officer

### **DETERMINATION AND REASONS**

1. The appellant, Ahmed Jan, a citizen of Pakistan, appeals with leave against the determination of an Adjudicator, Mr K Heynes, sitting at Salford, in which he dismissed on asylum and human rights grounds the appellant's appeal against the decision of the Secretary of State to refuse to vary his leave to enter the United Kingdom.
2. The appellant arrived in the United Kingdom on 20 April 2001 and was granted 6 months leave to enter. He claimed asylum on 11 July 2001. His wife and two children are his dependants.

3. The basis of the appellant's claim was that he had become a Christian in Pakistan in January 2001, having previously been a Muslim. He had studied Christianity, prior to his conversion. He went to church in Kasur (near Lahore) secretly. His parents and friends came to know about his conversion and he was beaten by Muslims. In February militants from Sipah-I-Sahaba-I-Pakistan (SSP), having learned of his conversion, attacked him with guns, knives and sticks. He managed to escape. Since his parents would not allow him to stay in their house, the appellant hid in a remote location. He feared that if he reported the matter of the attack to the police, they might charge him with blasphemy. He therefore decided to come to the United Kingdom. He was baptised at Holy Trinity Church, Rusholme on 16 July 2001.
4. At the hearing before the Adjudicator, the respondent challenged the genuineness of the appellant's conversion to Christianity.
5. Having heard the appellant give evidence, the Adjudicator found that the appellant's conversion to Christianity was not genuine but, rather, "a vehicle to secure the right to stay in this country" (determination, paragraph 13).
6. The Adjudicator noted that, although the appellant claimed to have a long-standing concern about Islam, and a wish to study other religions, and though in his early thirties, he did not take an active interest in Christianity until November or December 2000, a matter of months before his departure to the United Kingdom. At paragraph 15, the Adjudicator recorded that the appellant's

"evidence in relation to the study that he had undertaken before making this profound religious journey from Islam to Christianity was conspicuously vague. Asked what books he had studied, he could only mention one and made no reference to the Holy Bible."

7. The Adjudicator was concerned about a "To Whom It May Concern" document of 20 January 2001 from the Minority Rights Commission Pakistan, concerning the appellant:

"The appellant was unable to provide me at the hearing with any satisfactory explanation as to why he had obtained this document from this organisation".

The Adjudicator noted that the appellant said he had approached the organisation and that the person to whom he

spoke said that he might have to leave Pakistan "and that the letter would give him some protection".

8. The Adjudicator noted that the appellant was asked why he had obtained a document from this organisation, rather than the church he claimed to have attended. The appellant "explained that the Minority Rights Commission offered protection" (determination, paragraph 17).

9. If, as the document claimed, the appellant had been advised to leave Pakistan in January 2001, the Adjudicator did not consider it to be consistent for the appellant to have remained there until the following April. The Adjudicator did not find the document reliable and drew

"an adverse conclusion from the fact that the appellant had gone to the trouble of obtaining it but had produced nothing from the church that he claimed to have been attending on a regular basis."

10. The other document before the Adjudicator was a photocopy of a baptismal certificate from the United Kingdom.

11. On the basis of Dorodian (01/TH/1537) the Adjudicator commented adversely on the fact that the appellant had not put forward a Minister of a Christian church, to give oral evidence on his behalf, nor was there a statement or letter from the Minister, which had been produced in advance to the Home Office, so that they could check the existence and standing of the person making the statement.

12. The Adjudicator concluded that the appellant had not shown to the requisite standard that he holds and had been converted to Christian beliefs.

13. The Vice President who granted leave said that at the very least the appellant would

"have to produce a much more detailed and reasoned letter of support from the church, than the extremely short document submitted with the baptismal certificate."

The Vice President went on to say that, even if the appellant could establish the genuineness of his conversion,

"he will still have to be prepared to argue that there is a real risk of persecution or serious ill treatment in Pakistan."

14. Before the Tribunal, there was a letter dated 6 February 2003 from the Reverend Daniel Clark of Holy Trinity Platt in Rusholme which states that the appellant:

has been a believing Christian since 16 July 2001, the date on which he was baptised by me. He has been a regular part of our fellowship since then, worshipping with us most Sundays, and praying daily. In conversation with him, I am persuaded that he has revoked Islam and has embraced Christianity."

15. The Reverend Clark was not present before the Tribunal, in order to answer any questions arising from this letter.
16. Mr Khan was asked by the Tribunal what evidence there was to confirm the claim in the letter from the Minority Rights Commission in Pakistan that the appellant had changed his religion to Christianity. Mr Khan referred to the appellant's attending a church in Kasur. Mr Khan confirmed that the appellant's wife and children were happy to live with the appellant, notwithstanding that the wife had not herself converted from Islam. She had not "got any major issue with this".
17. As to why the appellant, if he did indeed intend to behave as a Christian in Pakistan, could not live elsewhere, Mr Khan said that his family were Muslims and, if he relocated, he would become known to the family members and would suffer ill treatment. If he relocated, he could not practise his religion.
18. In answer to a question from the Tribunal, Mr Khan confirmed that there was no evidence that the family of the appellant's wife put any pressure on her to cease to have anything further to do with her husband, given that he had converted.
19. Mr Khan said that there was a "penalty" for conversion although he agreed that there was no actual law against it in Pakistan. However, vigilantes abounded. There were specific instances in the US State Department report of severe difficulties encountered by Christians in Pakistan. The appellant was also known to the SSP, a notorious fundamentalist group in Pakistan.
20. Mr Khan drew the Tribunal's attention to the determination of the Tribunal in Alizadh [2002] UKIAT 02650, where the Tribunal did not consider it necessary for an Adjudicator to follow the guidelines in Dorodian.

21. The Adjudicator in the present case did not believe any salient feature of the appellant's story about his experiences in Pakistan. The Tribunal considers that the Adjudicator was entirely justified in reaching this conclusion.
22. The Adjudicator was justified in finding that a man in his early thirties, who claimed from a young age to have detected something wrong with Islam, would be unlikely to wait so long before embarking on a study of Christianity. In any event, the appellant's evidence in relation to that study was "conspicuously vague" and made no reference to the Bible. Such an omission is frankly damning of the appellant's claim to have become a Christian in January 2001.
23. Despite being asked to do so by the Tribunal, Mr Khan was unable to say what had actually happened in January 2001 to make the appellant a Christian. All he could point to was the interview record, where, at the answer to question 33, he said: "I occasionally used to go to church in Pakistan".
24. The Adjudicator was, in the Tribunal's view, correct to form a negative assessment of the document from the Minority Rights Commission Pakistan. This brief document merely states that the appellant in January 2001  

"changed his religion from Islam to Christianity. Muslim fundamentalists reacted very sharply and tried to eliminate him along with his family on a number of occasions. Our community advised him to leave the country for his safety."
25. No evidence at all has been given as to what Minority Rights Commission Pakistan is. Nor has there been any explanation as to why the appellant thought it right to go to them, rather than to get a letter from his church. He told the Adjudicator (as recorded at paragraph 17 of the determination) that the Commission could offer him "protection" and that the writer of the letter said it "would give him some protection". Such a claim, however, completely flies in the face of what the appellant says is the situation in Pakistan, regarding converted Christians. Far from offering him protection, such a letter would, at least on the appellant's evidence, be likely to have the opposite result.
26. The Adjudicator not only found the letter to be incapable of advancing the appellant's case; he found that it did the opposite. The Tribunal agrees.

27. It is also, in the Tribunal's view, significant to observe that the appellant's wife, who is said to remain a Muslim, take a relaxed attitude towards her husband's conversion. Islamic law, however, would not permit a Muslim to continue to cohabit with someone who had apostasised his faith. Furthermore, the appellant's wife appears to have come under no pressure from her own family to leave the appellant, or otherwise disown him.
28. The letter of 6 February 2003 from the Reverend Clark frankly gives little support to the appellant, as regards the core of his claim. Reverend Clark sees fit to set out various claims about the situation in Pakistan, of which he has no direct knowledge. Whilst it may well be the case that the appellant attends church "most Sundays" it is difficult to see, except on the appellant's own testimony, how the Reverend Clark knows that he has been "praying daily". Whilst the Reverend Clark may be "persuaded that he has revoked Islam and embraced Christianity" the Tribunal, looking at the totality of the evidence, has to say that it has come to a contrary view. This is in no way to impugn the genuine views of Reverend Clark, merely to note that his appreciation of the position must necessarily be a restricted one.
29. Looking at the totality of the evidence, the Tribunal, as previously stated, agrees with the Adjudicator that there is no reasonable likelihood of anything about the appellant's story of his problems in Pakistan being true. He never took an interest in Christianity, whilst there. He did not encounter any difficulties with anyone, as a result of his occasional church attendance, because there was no such attendance. Like the Adjudicator, the Tribunal finds it remarkable that the appellant omitted to take the obvious step of asking the supposed church, rather than the Minority Rights Commission, to confirm his attendance in Pakistan.
30. The inescapable conclusion from all this is that, if returned to Pakistan, the appellant is (to put matters at its lowest) highly unlikely to continue any form of Christian observance. His association with the church in Manchester is, it has to be said, a device in order to seek to remain in this country. Once back in Pakistan, the appellant would have no reason whatsoever to attend church.
31. However, even if there were a reasonable likelihood of the appellant continuing to wish to make Christian observance in Pakistan, once returned, the evidence is far from showing that this would as such expose him to a real risk of persecution.

32. Paragraph 6.74 of the April 2003 Country Assessment on Pakistan records that "There are currently an estimated 4 million Christians in Pakistan". They are to be found "in all main urban areas, but they are mainly concentrated in Punjab".

33. Paragraph 6.75 observes that the situation of Christians

"is less dramatic than that of Ahmadis. Although they may well face difficulties and resistance from local Mullahs and blasphemy charges, the authorities are nonetheless willing and usually able to protect them from harassment, violence and intimidation. Some attacks however have not been prevented and Christians still face many legal and social restrictions."

Paragraph 6.77 notes that:

"There is no law that makes conversion from Islam to Christianity a cognisable offence. However, those that do convert may encounter problems from some elements of society who do not accept the practice."

34. Mr Khan drew the Tribunal's attention to the US State Department report on Pakistan for 2001. This records a number of instances where Christians have encountered problems. At page 21 of the report we note that

"when blasphemy and other religious cases are brought to court, extremists often pack the courtroom and make public threats about the consequences of an acquittal. As a result, judges, magistrates and even defence lawyers often continue trials indefinitely, and the accused is burdened with further legal costs and court appearances."

35. The fact is, however, that both the US State Department report and paragraphs 6.85 to 6.90 of the Country Assessment deal with individual instances where Christians have encountered problems for reasons over and above merely going about the business of religious worship. In particular, those who seek to evangelise may encounter serious difficulties with the community (e.g. paragraph 6.90).

36. Other passages of the Report and the Assessment record individual instances of attacks upon churches. These incidents, whilst highly deplorable, have to be seen against the background of there being, as previously stated, some 4 million

Christians in Pakistan. Viewed in this light, the instances of violence set out in both the US State Department report and the Country Assessment fall, in the Tribunal's view, far short of showing that a person who converts to Christianity faces as such in Pakistan a real risk of treatment which can be described as persecutory or otherwise inhuman or degrading treatment.

37. There is, as the Tribunal has already indicated, no evidence to show that the family of the appellant would be hostile to his conversion, so as to cause him serious difficulties upon return (assuming that he did continue Christian observances). In any event, however, it has not been shown in the circumstances of the present case to be in any way unreasonable for the appellant, his wife and child to relocate to a neighbourhood of one of the major cities in Pakistan where there is a significant (or, indeed, predominant) Christian population.
38. This appeal is accordingly dismissed.

**P R Lane**  
**Vice President**