



**Upper Tribunal  
(Immigration and Asylum Chamber)  
PA/02598/2016**

**Appeal Number:**

**THE IMMIGRATION ACTS**

**Heard at Birmingham Employment Decision & Reasons  
Centre Promulgated  
On 13 June 2017 On 28 June 2017**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE JUSS**

**Between**

**MRS AYDA ABDELLA MOHAMMED  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Mr M Ahmed (Solicitor)  
For the Respondent: Mrs H Aboni (Senior HOPO)

**DETERMINATION AND REASONS**

1. This is an appeal against a determination of First-tier Tribunal Judge M R Oliver, promulgated on 20<sup>th</sup> October 2016, following a hearing at Hatton Cross on 18<sup>th</sup> August 2016. In the determination, the judge dismissed the appeal of the Appellant, whereupon the Appellant subsequently applied for, and was granted, permission to appeal to the Upper Tribunal, and thus the matter comes before me.

## **The Appellant**

2. The Appellant is a 30 year old Ethiopian woman, who was born on 11<sup>th</sup> December 1985. She appealed against the refusal of asylum by the Respondent Secretary of State in a decision dated 1<sup>st</sup> March 2016, and the rejection of her claim for humanitarian protection under paragraph 339L of HC 395.

## **The Appellant's Claim**

3. Essentially, the Appellant's claim is that she had applied for a visa to visit the UK for ten days on 13<sup>th</sup> March 2015 because she had been invited in North London for business reasons. She was a self-employed woman with a pepper and ginger and oil factory. She had chosen to travel with her husband to the UK and she had disclosed the fact that she had previously travelled also to South Africa, to China, to Brazil, and to Italy. Both she and her husband arrived in the UK on 21<sup>st</sup> April 2015 on a direct flight with Ethiopian Airlines. On 27<sup>th</sup> April 2015, however, barely a week after their arrival in this country, her husband returned back to Ethiopia and her own visit visa was due to expire on 23<sup>rd</sup> September 2015. On 26<sup>th</sup> August 2015 then, the Appellant claimed asylum and contacted the Home Office.

## **The Judge's Findings**

4. The judge found that the Appellant's reasons for claiming asylum were "inherently questionable". She had claimed that her husband was arrested in Ethiopia on 19<sup>th</sup> August 2015 and that her mother was arrested the following day. The mother was detained for four days because they could not find the Appellant. Her claim also rested on her knowing a man whom she had known from youth association meetings in 2003 and 2004. She claimed that he approached her again eight to nine years later, even though he would not have known whether she agreed with his views. She had met him, she claimed, without telling her husband, even though they were in the process of getting married. The Secretary of State had already decided that because she had not been a member of a political party and had not been active politically, the authorities would not be looking for her. Any subsequent activities that she engaged in were not of a high profile. It was not accepted by the Secretary of State that her husband and mother had been arrested. She had not explained why a record was kept of an informal meeting of only five people. She had also told the Red Cross that she could not find work here. She then waited three weeks to claim asylum after hearing that her husband and mother had been arrested. She also claims to be unaware of the political views of her husband and the judge did not find this to be credible, especially given that she planned to marry him on 31<sup>st</sup> October 2012.
5. Secondly, the judge considered it to be highly relevant that when the Appellant came to the UK with her husband "it was for a specific business purpose" (paragraph 32). It was a short business trip for ten days only.

Yet, she arrived and claimed asylum, and during the asylum interview she claimed that she did intend to return. Her husband returned after six days, “but at that time he clearly did not fear persecution on return, and nor did she” (paragraph 32).

6. The judge went on to say that the developments that the Appellant relied upon are stated in what purports to be a summons produced late in the day by the Appellant, and this did not necessarily mean that the production of the document was authentic as to its contents.
7. Finally, the judge did not accept that the Appellant had assumed political membership of the EPPF because she submitted a membership card so late in the day and even then only downloaded it in an email form (see paragraph 35).
8. In short, the judge did not regard the Appellant to be a truthful witness and made adverse credibility findings against her (paragraph 36).

### **Grounds of Application**

9. The grounds of application state that it was arguable that the judge had erred in failing to give clear reasons as to why the chain of events claimed to have taken place in Ethiopia after her husband returned are not reasonably likely. Furthermore, it was arguable that adverse inferences should not have been drawn from the Appellant’s failure to disclose details to the Red Cross. In the event, the judge ought not to have rejected the authenticity of the summons and the events which led to that summons. The Appellant also was involved in *sur place* activities.
10. On 10<sup>th</sup> January 2017, permission to appeal was granted.
11. On 13<sup>th</sup> February 2017, a Rule 24 response was entered by the Respondent Secretary of State.

### **The Hearing**

12. At the hearing before me Mr Ahmed, appearing as a solicitor on behalf of the Appellant relied upon his Grounds of Appeal. He also relied upon the grant of permission by the Upper Tribunal. He then made the following submissions. First, at paragraph 34 of the determination the judge accepts that the document came in the manner described, when referring to the summons that was before the Tribunal, and yet the judge then purports to question its authenticity, without giving reasons for doing so. Second, the Appellant had relied upon his own witness evidence, but the judge provides no analysis of this witness evidence, and does not explain what weight is attached to this evidence, and given that the asylum seeker is not required to provide corroborative evidence, this evidence should not have been rejected out of hand. Third, there was a risk of return to the Appellant as was clear from the objective evidence in the form of the “Operational Guidance Note (Ethiopia)” for November 2013.

13. For her part, Mrs Aboni relied upon the Rule 24 response. She submitted that the Grounds of Appeal amounted to nothing more than a mere disagreement with the findings of the judge. First, the judge did commence his findings at paragraph 31. It was made clear that the judge was looking at all the evidence. This included the evidence in the asylum interview as well as a witness statement. Second, the judge did not find the Appellant to be credible because of her choice not to tell the Respondent at the first opportunity that her husband had been arrested (see paragraph 33). Third, the judge did consider the summons produced in a proper manner (at paragraph 34) and was entitled to find that it was not a genuine document. Fourth, with respect to the Appellant's sur place activities by joining the EPPF, the judge did not accept the evidence that the Appellant had found it difficult to contact the London branch of the EPPF (see paragraph 35) because "the main address appears easily on the website and provides a registration facility and an address to send the completed form to in Geneva" (paragraph 35). It was in this context that the judge was not impressed by the fact that the Appellant had only provided a downloaded email form of her membership rather late in the day. He was entitled to so conclude. Finally, the judge did consider the Appellant's position on risk on return (at paragraph 36) because references he had made to the "Dutch Country of Information Report, dated 18<sup>th</sup> May 2016" as well as the US State Department Report on Human Rights Practices in Ethiopia, dated 13<sup>th</sup> April 2016. Moreover the Amnesty International Report on Ethiopia for 2015 and 2016 is also taken into account. For all these reasons, the judge was entitled to conclude that the Appellant had not satisfied and discharged the burden of proof that was upon her.

### **No Error of Law**

14. I am satisfied that the making of the decision by the judge did not involve the making of an error on a point of law (see Section 12(1) of TCEA 2007) such that I should set aside the decision and remake the decision. My reasons are as follows. The judge gives proper reasons (at paragraph 31) when he concludes that the account given is "inherently questionable" because it is fully explained as to how there were meetings of those attracted towards the opposition within youth association meetings. It is also explained fully as to why the Appellant should meet a person on a few occasions in 2003, 2004, who would then some nine years afterwards be willing to give false evidence. The judge also explains why it could be assumed that this Appellant will be amenable to a further approach. He also cannot understand why her husband would not have discussed with her the political thinking before marrying of the two of them. She also claimed to have joined the EPPF seven months after her husband's release, even though her husband had been a member of this party since 2008. The judge's firm conclusion was that the Appellant was not only inactive politically but had not been a member of a political party (paragraph 31).

15. Second, it is significant that the background to this claim was that the Appellant arrived on a short business trip for ten days, during which time some six days later, her husband returned back to Ethiopia. The judge was clear here that “at that time he clearly did not fear persecution on return, and nor did she”.
16. Third, this then raises the question of her husband’s suggested arrest. The judge has no difficulty in rejecting this. This is because the arrest is not brought to the attention of the Home Office at the earliest opportunity and it is not mentioned to the Red Cross. What is mentioned to the Red Cross is that the Appellant has not been able to find employment (see paragraph 33). None of this indicates that the Appellant had a genuine fear of ill-treatment or persecution.
17. Fourth, insofar as there is a view expressed as to the authenticity of the summons, the judge does this in the context of the wider evidence, before going on to say that, “even if it was true that her husband had recently escaped from prison, the interest of the authorities in tracking him down would in principal be proper” (paragraph 34). That was a view that the judge was reasonably entitled to come to.
18. Finally, the judge does have regard to the objective evidence from a variety of sources (at paragraph 36) and his final remarks are that the Appellant herself asserted in her interview “that she was not a member of a political party and was not active politically” such that she had failed “even to the lower standard” in making out her claim (see paragraph 36). These conclusions were entirely open to the judge and they were well reasoned and properly arrived at. There is no error of law.

### **Notice of Decision**

There is no material error of law in the original judge’s decision. The determination shall stand.

No anonymity direction is made.

Signed

Date

Deputy Upper Tribunal Judge Juss

26<sup>th</sup> June 2017