



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: PA/06467/2018

THE IMMIGRATION ACTS

Heard at Manchester
On 27 June 2019

Decision & Reasons Promulgated
On 24 July 2019

Before

**DR H H STOREY
JUDGE OF THE UPPER TRIBUNAL**

Between

**MR MEHARI SELASIE
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr I Majid, Counsel, instructed by J D Spicer Zeb Solicitors
For the Respondent: Mr C Bates, Home Office Presenting Officer

DECISION AND REASONS

1. The appellant is a national of Ethiopia. He claimed asylum on the basis that he had come to the adverse attention of the authorities when in Ethiopia by virtue of his active involvement with Patriotic Ginbot 7 (PG7) which he said he joined in February 2015, and his arrest and detention and ill-treatment for several months until his brother-in-law secured his release by payment of a bribe. The appellant also based his claim on his sur place activities in the UK which he claimed involved active

participation in PG7 activities. PG7, it is not in dispute, was at the date of hearing a proscribed terrorist organisation in Ethiopia.

2. When the respondent refused his protection claim in May 2018 (assessing him not to be credible), he appealed. His appeal came before Judge Devlin of the First-tier Tribunal (FtT). In a decision sent on 4 March 2019 Judge Devlin dismissed the appellant's appeal. Although not for precisely the same reasons, he found the appellant's account of adverse experiences in Ethiopia not credible and considered that he had not shown that his sur place activities were specifically connected with PG7 and that his sur place activities were contrived and would be viewed as such by Ethiopian agents conducting surveillance of political oppositionists in the UK.
3. The appellant's grounds of appeal fall into two groupings
 - 1) those attacking the judge's assessment of the appellant's claimed experiences in Ethiopia; and
 - 2) those assailing his assessment of the appellant's sur place activities.
4. In relation to 1), it is said first of all that there was an inadequacy of reasons. I cannot think of a more inaccurate criticism of this decision which, if anything, demonstrates a surfeit of reasons. There is no content given to this allegation in any event.
5. Also in relation to 1) it is said that in paragraphs 106-126 the judge failed to take material matters into account, namely that the appellant had said that when the authorities raided his home they did not find any incriminating evidence, but the judge was clearly aware that that was his evidence and gave sound reasons for finding unsatisfactory the appellant's explanation for why his wife had not fallen under active suspicion of being a PG7 supporter.
6. It is further said that the discrepancies identified at paragraphs 141-152 was not raised at the hearing, but that is immaterial since the judge accepted that there were plausible explanations for them and there is nothing to indicate that he attached any significant weight to them.
7. It is also said that in paragraph 167 that the judge drew an adverse inference against the appellant for failing to explicitly state what the criteria were for joining PG7 as a member in Ethiopia, but it is clear from paragraphs 166-167 that the appellant was afforded the opportunity of providing a satisfactory explanation at the hearing and failed to provide one.
8. It is submitted that the judge's reasoning at paragraphs 172-175 is unclear. Although paragraph 172 is opaque, the general purport of these paragraphs is clear: reasonably the appellant could have, but had failed to, produce evidence confirming his PG7 activities and adverse experiences in Ethiopia.
9. The grounds take issue with the judge's references to 'negative' and 'positive' 'pull' factors, but these references were simply aspects of the judge's entirely proper

evaluation of factors in favour of the appellant and factors against. Nothing about this exercise indicated a failure to apply the low standard of proof.

10. The appellant's second main grouping of criticisms alleges mistreatment by the judge of the appellant's evidence in support of his claim to have become a member of the PG7 in the UK. However, the judge's reasons for finding this evidence unreliable were entirely within the range of reasonable responses. There was no failure to take account of the appellant's evidence regarding this.
11. The grounds argue that the judge failed to take account of the appellant's oral evidence that PG7 applied different criteria for membership in the UK than it did in Ethiopia (where it required one to have been a supporter for one year). That misrepresents the gravamen of paragraph 292 which is that the appellant was entirely unclear about the subject.
12. The grounds as amplified by Mr Majid contend that on the basis of the judge's own findings the judge should have found that the appellant would have been identified as a PG7 member or supporter through his active involvement in a PG7 meeting in December 2017 and at a demonstration in Manchester on 3 March 2018. These criticisms muddy the waters. The judge's findings were very precisely summarised at paragraphs 295-305:

“295. I have noted that the only independent evidence that the Appellant has produced in support of his claim to have been admitted to membership of PG7 in the United Kingdom, is comprised in the emails of 20 June 2018 and 31 August 2018; the receipt; and the ticket.

296. I have identified multiple shortcomings in this evidence.

297. Thus, there is nothing on the face of the emails to link them with the Appellant, other than the forename “Mehari”. The emails give the address of the recipient/sender as “mehariteferi2017@[~].com”. The Appellant's name is “Mehari Selasie” and not “Mehari Teferi”. The Appellant did not produce any independent evidence to show that his grandfather was named “Mehari Teferi” or that the email address “mehariteferi2017@[~].com” had been registered in his name. Moreover, he failed, without satisfactory explanation, to make any meaningful attempt to explain why he had chosen “mehariteferi2017@[~].com” as his email address.

298. As regards the receipt, this was not formally authenticated; no one attended the hearing to speak to it; and, the Appellant failed to produce any evidence of provenance, so that there was no proof that they did not originate from the Appellant himself.

299. The ticket is incapable of providing direct evidence of membership.

300. I have noted that (a) the Appellant has failed to produce any independent evidence to show what the criteria for membership of PG7 in the UK are, or that he met them; and, (b) his answers in cross-examination with regards to

how he proved to PG7 that he met the criteria for membership, are far from satisfactory.

301. These considerations, taken cumulatively, exercising a very strong negative pull. There is nothing to effectively counteract that pull. The consequence is that I cannot be satisfied, even to the lower standard of proof, that the Appellant made an application for, or was admitted to, membership of PG7 in the UK.
 302. I have noted the evidence produced by the Appellant in support of his claim to have attended a demonstration in Manchester, organised by PG7, on 3 March 2018. I have also noted that the Home Office Presenting Officer did not challenge the said evidence or dispute that (a) an anti-government demonstration took place in Manchester on 3 March 2018; (b) the Appellant appears to have played a prominent role in it; and, (c) footage of the demonstration was uploaded on to the ESAT TV and Andnet Ethiopia websites.
 303. In those circumstances, I am satisfied, albeit to the lower standard of proof, that the Appellant played a prominent role in an anti-government demonstration in Manchester, on 3 March 2018, and that footage of the demonstration was uploaded on the ESAT TV and Andnet Ethiopia websites.
 304. However, I have noted that there is nothing in the independent evidence produced by the Appellant, to show that the demonstration was organised by PG7. Since, (a) it ought to have been a relatively simple matter to have proved that this was the case; and, (b) the Appellant has previously been found to be generally incredible, I am not prepared to accept his unsubstantiated assertions in this regard. I therefore find that I cannot be satisfied, even to the lower standard of proof, that the demonstration of 3 March 2018, was organised by PG7.
 305. Likewise, I am not prepared to accept the Appellant's unsubstantiated claim that he attended a demonstration in Trafalgar square on 7 February 2018, organised by PG7 - particularly since (a) he failed to produce any independent evidence of the demonstration or his attendance; (b) he made no mention of it in the Asylum Interview of 4 April 2018; and (c) his representatives made no mention of it in their letter of 5 April 2018."
13. The judge's finding that the appellant had not shown he was involved in the PG7 meeting in December 2017 was amply and properly reasoned. The judge's finding that, albeit it would be known to the Ethiopian authorities, that the appellant had played an active role in the March 2018 demonstration in Manchester, this would not put him at risk, was properly supported by sound reasons, in particular that the evidence only established that this was an anti-government protest, not a PG7 event; that the appellant's general sur place involvements were opportunistic; and that the Ethiopian authorities who were known to have a sophisticated system of monitoring in the UK, would perceive the appellant for what he was, i.e. not a genuine political activist.

14. For the above reasons I conclude that the judge did not materially err in law and accordingly his decision should stand.

No anonymity direction is made.

Signed

Date: 10 July 2019

A handwritten signature in black ink that reads "H H Storey". The signature is written in a cursive style with a large, sweeping flourish at the end of the word "Storey".

Dr H H Storey
Judge of the Upper Tribunal