



**Upper Tribunal
(Immigration and Asylum Chamber)**

Appeal Number: PA/11696/2018

THE IMMIGRATION ACTS

**Heard at Field House
On 15 February 2019**

**Decision & Reasons Promulgated
On 11 March 2019**

Before

DEPUTY UPPER TRIBUNAL JUDGE ESHUN

Between

**MRS HELEN BERHANE WELDEGEBREL
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr R Parkin, Counsel instructed by Barnes Harrild & Dyer
Solicitors

For the Respondent: Ms L Kenny, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant is a citizen of Ethiopia born on 16 February 1989. She appeals against the decision of First-tier Tribunal Judge M R Oliver, dismissing her appeal against the refusal of the respondent on 21 September 2018 to grant her asylum in the United Kingdom.
2. The appellant came to the United Kingdom on 19 September 2015 to work under a valid Tier 5 visa as a domestic servant to a diplomat at the Ethiopian Embassy in London. She stated that she was single and had no dependent children.

3. At her screening interview on 23 March 2018 after claiming asylum, she disclosed that she had been detained on 1 March 2014 for allegedly selling an unwarranted flag and from 2015 had been a supporter of Patriotic and Ginbot-7 (PG7) Party. She gave details of her husband and a daughter who were in Ethiopia. She said she had had no contact for fifteen days with her husband. When she could not get through to him, she called her mother on 15 March 2018, who informed her that he had been arrested a week before. The authorities had left some papers with her mother showing that the appellant was also wanted by the government.
4. In a witness statement dated 5 April 2018, the appellant stated that she had married her husband on 21 December 2009. Following her husband's arrest her daughter was living with her mother. Her husband had joined the anti-government Arbenche Ginbot-7 Party in 2005 when it was known as Kenjet. She too was a supporter and they attended demonstrations. When she was arrested and detained on 1 March 2014, she was tortured and beaten with a wooden stick and on her release had to sign a document that she was not to sell the flags in the future. She continued her political activities but did not come to attention again.
5. She met an agent who told her there was an opportunity to work as a maid at an Ethiopian diplomat's house in the United Kingdom. Her husband agreed because she would learn information which could be used against the government. The agent advised her not to mention her marital status and her daughter because her application would not be accepted. During the currency of her visa she visited her parents, husband and daughter in Ethiopia for a month from 29 September 2017 until 30 October 2017. When this visa was coming to an end, she was granted a further visa valid until 30 August 2018.
6. It was when she tried to contact her husband in March 2018 that her mother told her of his arrest and when she realised that her own life was in danger she was advised by a friend to claim asylum, which she did on 23 March 2018. She had not tried to contact her mother again, fearing the phone would be tapped.
7. She claimed to be politically active in the United Kingdom as a supporter of the Ginbot-7 Party and was currently being assessed to see if she was suitable for membership. She attended a demonstration on 16 March 2018 in Trafalgar Square.
8. In her asylum interview on 20 September 2018 she stated that she would be submitting the police arrest warrant in due course.
9. In her asylum interview it was pointed out to her that PG7 was no longer declared a terrorist group by the government and its leaders were now in talks with the government, but she maintained that she was still afraid that she would be imprisoned and tortured. In cross-examination when she was asked about recent developments concerning Ginbot-7, the appellant conceded that there had been some agreement with the

government, but said that there were good and bad things and a number of young activists had been arrested again and released fifteen days before the hearing. Although the two leaders were now in the country, she would not get the same treatment.

10. The judge's findings are set out at paragraphs 29 to 33. At 29 the judge found that it would be unsafe to draw any conclusion in the confused state of Ethiopian politics about the different names for the Ginbot-7 movement.

"30. The broad history in respect of what I shall call PG7 is, however, clear. After being designated a terrorist group in 2011 talks began in early 2017 between the government and opposition parties which resulted in the lifting of the state of emergency in August 2017. Africa News reported on 22 June 2018 that PG7 had suspended its armed operations and was supporting reformist elements in the EPRDF government. In September 2018 their leaders were welcomed home.

31. The appellant claims to have been detained and beaten in March 2014 after selling unwarranted flags. She broke her undertaking not to continue her activities on release. In the following year, however, she applied for and was granted a visa to work in what would be regarded as a sensitive position in the household of a diplomat. Although her husband had encouraged this move so that she could gain useful information for the cause, she did not do so, but went back to Ethiopia for a month in 2017 without receiving any attention.

32. She has provided no corroborative evidence from her mother of her husband's arrest in March 2018 at a time when the government was in talks with the opposition. There can have been no reason for the issue of an arrest warrant so long after her minimal offending, when the authorities were unaware that she had continued to ignore the very limited undertaking she had given. The beating she claimed to have received when she was detained in 2014 had not caused her to reveal her true activities.

33. In all these circumstances, she has failed to substantiate that she will be at risk of persecution or serious ill-treatment on return and therefore does not qualify for asylum or humanitarian protection. For the same reasons there will be no very significant obstacles to her return safely to Ethiopia, where all of her family life remains".

11. Mr Parkin submitted that the judge appears to have reached the conclusion he made at paragraph 30 from his own research. This was entirely unrelated to the evidence in fact before the Tribunal and the judge cited no objective country evidence which could have led the Tribunal to

independently form that conclusion. Mr Parkin said it was not known what information the Tribunal relied upon or how reliable it was.

12. Mr Parkin relied on the respondent's current policy guidance in the publication entitled Country Policy and Information Note Ethiopia: Opposition to the government, Version 2.0e October 2017 which states:

"If the authorities have linked a person to a designated terrorist group, principally the OLF, ONLF or AGUDM, and they have previously been arrested in connection with being a member or sympathising with such a group, or have previously come to the adverse attention of the authorities through activities connected to a group, then they are likely to be at risk of persecution or serious harm on return".

He also relied on the policy guidance which states:

"If a person has close family links to someone who has a connection with the OLF, ONLF or AGUDM, then they may also be at risk of persecution or serious harm".

13. Mr Parkin argued in his grounds that the appellant claimed to be a supporter of Ginbot-7 (otherwise known as AGUDM) who had historically been identified as such by the authorities and associated with a family member who had been arrested. She therefore fell within a category of individuals identified as being at risk.
14. Ms Kenny submitted that at paragraph 30 the judge relied on Africa News. This is a website which appears at paragraph 53 of the respondent's Reasons for Refusal Letter. She submitted that respondent relied on information contained in Africa News which said, referring to PG7, "the group until July 2018 were considered a terrorist organisation by the Ethiopian government. Parliament voted to lift that label on the group and others like OLF and ONLF". Ms Kenny said that it was the same article and that was where the judge's information came from.
15. I accept Ms Kenny's submissions on this issue. While the judge may have used information that came from his own research, the research came from a reported source, that is Africa News, which the Secretary of State had also relied on in making his decision. Indeed, in her asylum interview (Qn 32) it was put to the appellant that PG7 was no longer declared a terrorist group by the government and its leaders were now in talks with the government. In cross-examination when asked about recent developments concerning Ginbot-7, the appellant conceded that there had been some agreement with the government. I find that the judge was not relying on any new evidence that had not been put to the appellant at the hearing, in her interview or in the Reasons for Refusal Letter to come to the conclusion that he did at paragraph 30. Accordingly, I find that the judge did not err in law in relying on information contained in Africa News.
16. The second complaint made by Mr Parkin was in respect of what the judge said at paragraph 31. Mr Parkin said that the judge was making a finding

that the appellant's return to Ethiopia for a month in 2017 was inconsistent with her fear. Mr Parkin said the appellant's fear originated in 2018 when she learned that her husband had been arrested and also her participation in a demonstration in the UK.

17. I find that this complaint is without merit. The judge at paragraph 31 was setting out the appellant's own evidence. This was in relation to events prior to her husband's arrest. Indeed, the appellant had accepted in evidence that she did not come to the attention of the authorities again after her arrest and detention in 2014. The judge was correct in saying that when she went back to Ethiopia for a month in 2017 she did not receive any adverse attention. I fail to see the error in the judge's decision at paragraph 31.
18. Mr Parkin submitted that the judge's finding at paragraph 32 that the appellant had provided no corroborative evidence from her mother of her husband's arrest in March 2018 contravened paragraph 339L of the Rules which states:

"It is the duty of the person to substantiate the asylum claim or establish that they are a person eligible for humanitarian protection or substantiate their human rights claim. Where aspects of the person's statements are not supported by documentary evidence or other evidence, those aspects will not need confirmation when other conditions are met".

He set out what the conditions were in his skeleton argument.

19. On this issue I accept Ms Kenny's submission that the corroborative evidence could be reasonably expected from the appellant. The appellant in her asylum interview on 20 September 2018 said she would be submitting the police arrest warrant in due course. She has had plenty of time to obtain that evidence. The fact that there was no real evidence of her husband's arrest goes to the appellant's credibility as a whole. In the absence of corroborative evidence, I find no error of law in the judge's decision.
20. I accept that there was no finding on the appellant's claim that she attended a demonstration on 16 March 2018 in Trafalgar Square. I find that the judge's failure to consider this evidence does not materially undermine his decision. Ginbot-7, the party she supports and on whose behalf she would have attended the demonstration, is in talks with the Ethiopian government and is no longer a proscribed organisation.
21. For these reasons I find that the judge did not make a material error of law.
22. The judge's decision dismissing the appellant's appeal shall stand.

No anonymity direction is made.

Signed

Date: 6 March 2019

Deputy Upper Tribunal Judge Eshun