



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

Appeal Number: PA/14248/2018

THE IMMIGRATION ACTS

**Heard at Bradford
On 16 May 2019**

**Decision & Reasons
Promulgated
On 21 May 2019**

Before

UPPER TRIBUNAL JUDGE PLIMMER

Between

MELAT KEBEDE

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Howard, Fountain Solicitors

For the Respondent: Mr Diwinycz, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant is a citizen of Ethiopia. She has appealed against a decision of First-tier Tribunal ('FTT') Judge Dearden sent on 20 February 2019, in which her appeal was dismissed on asylum and human rights grounds.

FTT decision

2. Judge Dearden made extensive and comprehensive adverse findings of fact regarding the appellant's asylum claim. In particular, he rejected the claim that the appellant:
 - was detained for reasons relating to her political opinion;
 - escaped with the assistance of an officer;
 - married this officer in the circumstances claimed;
 - was the victim of violence at the hands of this man;
 - escaped from him whilst they were on holiday in Europe.
3. The FTT rejected the credibility of the entirety of the appellant's asylum claim but also went on to find the asylum claim not be well-founded when the claim is taken at its highest.

Grounds of appeal

4. The grounds of appeal against the FTT's decision focus on human rights only and do not in any way address the FTT's factual findings. The grounds merely submit that the FTT failed to assess the claim that the appellant's removal would breach Articles 2, 3 and 8 of the ECHR. No further particularisation is provided for this sweeping assertion save that it is asserted at [5] of the grounds, that:

"in addition to the appellant's political views, the appellant's personal circumstances, as a lone woman and a victim of domestic violence would make her vulnerable to severe destitution upon return to Ethiopia and further prevent her from being able to reintegrate" for the purposes of 276ADE of the Immigration Rules."
5. Judge Pedro granted permission to appeal in a decision dated 29 March 2019, observing that it is arguable that the FTT failed to address Article 8.

Hearing

6. At the beginning of the hearing, Mr Howard accepted that the grounds of appeal: do not challenge the FTT's factual findings or the assessment of the appellant's asylum claim; Articles 2 and 3 of the ECHR stand or fall with the asylum claim and in reality solely focus upon Article 8; and this is based upon the alleged failure to assess the appellant's ability to re-integrate in the light of her personal circumstances, in particular her political opinion, lone woman status and her claim to be a victim of domestic violence.
7. When I sought further clarification from Mr Howard he acknowledged that the FTT did not accept any aspect of the appellant's account, including her claimed anti-regime political opinion and the circumstances relevant to her marriage i.e. that she would return as a woman who escaped her husband following domestic violence. He also accepted that the submissions and the evidence before the FTT,

entirely focused upon asylum. The very general and generic submissions in the skeleton argument relevant to Article 8 and 276ADE are consistent with that approach.

8. Mr Howard acknowledged that the only ground that he pursued was the FTT's failure to address the alternative submission that the appellant is at risk of serious harm in Ethiopia because she will return as a woman. Mr Howard accepted that this is not an argument that was expressly made to the FTT. The skeleton argument does not refer to this. Mr Howard was also unable to take me to any evidence dealing with the specific position of lone women and accepted that the country background evidence available to the FTT was limited to the position of women in general. After hearing from Mr Howard I indicated that I did not need to hear from Mr Diwinycz.

Error of law discussion

9. Mr Howard conceded that the assertion that there would be a breach of Article 8 or very significant obstacles for the appellant's reintegration in Ethiopia could not be properly pursued, in the light of the FTT's adverse findings of fact. He confirmed that the only error of law in the FTT's decision was predicated upon the judge's failure to address the circumstances to be faced by a lone woman in Ethiopia. There are significant difficulties in the way of that submission. First, the FTT did not accept that she would be a lone woman on return. In any event, the submission was not made to the FTT. Finally and in addition, Mr Howard was unable to (and did not) take me to any country background evidence available to the FTT relevant to the position of lone women.
10. The grounds of appeal, as drafted and argued before me, are not made out for the reasons I set out above.

Decision

11. The FTT's decision did not involve the making of an error of law and I do not set it aside.

Signed: *UTJ Plimmer*

Ms M. Plimmer
Judge of the Upper Tribunal

Date:
16 May 2019