



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2023-004647

First tier number: PA/55616/2022

THE IMMIGRATION ACTS

Decision & Reasons Issued:

On 26th of April 2024

Before

UPPER TRIBUNAL JUDGE LANE

Between

BET
(ANONYMITY ORDER MADE)

and

Secretary of State for the Home Department

Appellant

Respondent

Representation:

For the Appellant: Ms Patel

For the Respondent: Mr Tan, Senior Presenting Officer

Heard at Manchester Civil Justice Centre on 9 January 2024

DECISION AND REASONS

1. The appellant is a female citizen of Ethiopia. She appealed to the First-tier Tribunal against a decision of the Secretary of State dated 17 November 2022 refusing her claim for international protection. The First-tier Tribunal, in a decision dated 21 September 2023, dismissed her appeal. The appellant now appeals to the Upper Tribunal.
2. The First-tier Tribunal summarised the appellant's claim as follows:

The appellant was a university teacher between 2016 to 2020 until she was suspended for expressing her opinion on the treatment of ethnic Amhara's at the university. In February 2020, the appellant became a supporter of the

National Movement of Amhara (NAMA) and a member of the Welkait Identity Committee. On 28 November 2020, a cell meeting that was being held in her home was raided by the authorities and the cell group members were subsequently arrested and detained. The appellant was not present as she was with her cousin who was in hospital at the time. The appellant's mother-in-law told her that the authorities wanted to arrest her and had accused her of being involved with NAMA. The appellant fled from the hospital and hid in a church before fleeing Gondar and travelling to Addis Ababa, where she stayed in hiding until she left on 20 December 2020. The appellant asserts that they would be at risk on return due to their political opinion or alternatively that they are entitled to humanitarian protection.

3. UTJ Kamara gave permission in the following terms:

The appellant's protection claim stems from her support for the National Movement of Amhara membership of the Welkait Identity Committee and dismissal from her role as a university lecturer, none of which was in dispute.

It is arguable that the judge erred in assessing the issue of the omissions from the screening interview without considering the relevant amendments which the appellant made at the earliest opportunity. It is further arguable that the judge erred in concluding that the appellant was of no interest to the Ethiopian authorities owing to her ability to leave on her own passport without incident without, arguably, taking into account the appellant's account of using an agent as well as the other matters raised in the grounds.

4. The appellant summarises his grounds of appeal as follows:

(i) The FTTJ has failed to consider and make findings on a material matter namely the arrest and detention of the Appellant's husband; ii) The FTTJ has erred in law in making adverse findings against the Appellant for omissions in her screening interview; iii) The FTTJ has failed to consider material matters when finding the Appellant to be of no interest to the authorities because of her ability to leave on her own passport; iv)The FTTJ has failed to consider material matters when considering the issue of the Appellant's ability to obtain a Polish visa; v)The FTTJ has erred in relation to her article 15 (c) findings.

5. I do not find that the judge has erred in law such that his decision falls to be set aside. I have reached that conclusion for the following reasons.

6. First, it is not clear what role, if any, the appellant's husband played in the core of the claim. The significance of the husband is not referred to at all in the list of issues in dispute summarised in the judge's decision at [11]. At [36], the judge did 'not accept, even on the reasonable likelihood standard, the core of the appellant's asylum evidence and I reject that the appellant came to the adverse attention of the authorities on the basis of her political opinion.' It is the appellant's core case that the Ethiopian authorities seek her on account of her own political activities; given that the judge rejected that core case entirely, it is not clear in

what way any analysis of the appellant's husband's activities or political allegiances would make any difference to the validity of the appellant's claim. If the judge did err in law by not addressing the role of the husband (which I do not accept), I find that such error is in any event wholly immaterial to the outcome of the appeal.

7. Secondly, the challenge to the judge's assessment of the appellant's screening interview is without merit. The appellant complains that the judge failed to have proper regard to the corrections to the interview which the appellant sought to make after the record of the interview had been read back to her and also that 'a person seeking refugee status is not expected, when first arriving, fully to set out his claim to asylum.' [6] However, the omission in the screening interview which concerned the judge was that the appellant had answered in the negative 'when she was asked if she had ever been involved with, or accused of being involved with any political organisation.' As the judge observed, this answer was puzzling 'particularly when bearing in mind that this is the basis for her asylum claim'. [20]
8. It was, in my opinion, wholly open to the judge to consider that the appellant's credibility was seriously damaged by her complete failure to mention the very core of her claim for international protection (political opinion) when asked directly about it at the screening interview. As the judge says [22], 'I note that there was an interpreter speaking Amharic at the screening interview and in my assessment this [why she had come to the United Kingdom to claim international protection] was a clear question.' I agree; none of the matters complained of in the grounds of appeal regarding the screening interview undermine the validity of the judge's finding. In short, even given the limitations of a screening interview, a claimant can be expected to know the only or main reason why they are claiming asylum.
9. Thirdly, Ground 3 is also without merit. At [27], the judge wrote:

With regard to leaving the airport on her own passport, whilst the appellant stated at the asylum interview that she did not know how and it was the agent (AIR 209-210), I consider the fact that appellant was able to leave the airport on her own passport is inconsistent with her claim that the authorities were looking for her.

10. The finding is brief but it forms part of a series of findings of fact which the judge made which supported his rejection of the appellant's claim. The grounds state that the appellant passed through the airport with the help of an agent; it is not explained in any detail why this should have prevented the authorities from apprehending the appellant had she been of interest as a political opponent. At [12] the grounds assert that 'It

is further respectfully submitted the Appellant's ability to pass through the airport cannot, **of itself**, provide a sufficient evidential basis for a finding that her claims to have been the subject of interest to the Ethiopian regime, are implausible.' [my emphasis]. However, the judge has given multiple reasons for rejecting the credibility of the appellant's account; her passage through the airport was considered as part of the totality of the evidence and not 'of itself.'

11. Fourthly, Ground 4 (the appellant's 'Polish visa') does not assist her materially. In the light of what the judge says at [25], I do not consider that the matter of the visa was central to the judge's rejection of the appellant's claim. In any event, even if the judge has misunderstood what the appellant had said regarding the visa (which I do not accept), this is a discreet issue which does not affect the judge's other, wholly valid, findings.
12. Finally, as regards the challenge in respect of Article 15(C), I find that the grounds are without merit. The judge addresses Article 15 at length at [50-54]. The grounds of appeal at [14] amounts to nothing more than a disagreement with the judge's findings.
13. In the circumstances and for the reasons I have given, this appeal is dismissed.

Notice of Decision

The appeal is dismissed

C. N. Lane

Judge of the Upper Tribunal
Immigration and Asylum Chamber

Dated: 29 March 2024