



Upper Tier Tribunal
(Immigration and Asylum Chamber)

Appeal Number: AA/05038/2015

THE IMMIGRATION ACTS

Heard at Birmingham
On 6 April 2016

Decision Promulgated
On 25 April 2016

Before

Deputy Upper Tribunal Judge Pickup
Between

EK
[Anonymity direction made]

Appellant

and

Secretary of State for the Home Department

Respondent

Representation:

For the appellant: Ms H Naz, instructed by Morden Solicitors LLP
For the respondent: Ms C Johnstone, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant, a citizen of Ethiopia, appeals against the decision of First-tier Tribunal Judge Stott promulgated 29.6.15, dismissing on all grounds her appeal against the decision of the Secretary of State, dated 4.3.15, to refuse her asylum, humanitarian protection and human rights claims and to remove her from the UK. The Judge heard the appeal on 18.6.15.
2. First-tier Tribunal Judge Brunnen granted permission to appeal on 23.7.15.

3. Thus the matter came before me on 6.4.16 as an appeal in the Upper Tribunal.

Error of Law

4. I found no material error of law in the making of the decision of the First-tier Tribunal such as to require the decision of Judge Stott to be set aside. Having announced my decision at the hearing, I now provide my reasons.
5. The relevant background to the appeal can be summarised briefly as follows. The appellant claims to be of Oromo ethnic background, although she does not speak the language. The appellant's father was a leader of the Oromo Liberation Front (OLF) who was detained in 2007, tortured, and died in detention. Following his death the appellant took a greater involvement in OLF activities, including attending meetings and distributing propaganda. Her brother was also an action OLF member. In 2012 the family shop was raided and her brother was arrested. The following day she was also arrested, alleged to be a supporter of and financial contributor to the OLF. She was tortured and beaten daily for some 20 days until she was taken to hospital, where she remained for 15 days before escaping. The following day she left Addis Ababa and went to stay with her maternal uncle in Alamghana, where she remained for 3 weeks until she left Ethiopia clandestinely in January 2013, travelling with the assistance of an agent to Sudan, Libya, Italy, France and eventually the UK, arriving on 2.10.13, where she claimed asylum when encountered by the police. Since arriving in the UK she has attended a small number of OLF meetings. The appellant fears she will be imprisoned or killed by the Ethiopian authorities because she is an opposition party supporter.
6. The Secretary of State rejected her claimed involvement with the OLF, noting she did not speak the language, had limited knowledge of the party, and generally gave a vague, incoherent and inconsistent account. Her claim to have been detained and tortured is also rejected because of inconsistency.
7. Judge Stott accepted that the appellant had an awareness of the OLF, but for the reasons set out between §12 and §18, found her account not credible and that the appellant failed to establish any risk of persecution on return.
8. In summary, the grounds of appeal submit that the First-tier Tribunal Judge erred in law in failing to give any consideration to the evidence of the appellant's witnesses and the other evidence produced to support her claim to have been involved in the OLF.
9. In granting permission to appeal, Judge Brunnen considered the above ground arguable, noting that there is no reference to any of this evidence in the judge's analysis or findings.
10. The grounds also submit that the judge failed to consider the risk to the appellant on return to Ethiopia. Judge Brunnen correctly observed that this ground is predicated on acceptance of her claimed involvement in the OLF. "This ground only arises for consideration if the previous ground succeeds."

11. Whilst an asylum seeker is not required to provide corroboration, Ms Naz relied on SA (Iran) v SSHD [2012] EWHC 2575 (Admin), to the effect that where credibility is in issue, the fact that a witness account is corroborated by that of another witness can add to its credibility, and suggested the judge omitted to consider and give any weight to the evidence supporting her account of involvement in the OLF.
12. The Rule 24 response, dated 6.8.15, submits that the judge considered the core of the appellant's claim and set out both the appellant's and the respondent's cases before going on to make sustainable findings. It is argued that it is not necessary for the judge to make findings on all aspects of the claim or to analyse every piece of evidence within the decision. "The fact remains is that this appellant claims to be from a family where the father was a leader within the OLF. The judge had found that this organisation is well developed and apart from the inconsistencies/contradictions relating to own claimed activities in the appellant's evidence she has been unable to produce anything from the Organisation relating to her father. This taken together with the fact that the appellant appears to have no knowledge of the Oromo language causes the judge to have serious concerns as to the appellant's credibility."
13. In relation to the evidence of the appellant's friends, §8 of the Rule 24 response states, "Whilst it is accepted that the judge has not made findings on the evidence of her friends/witnesses it will be argued that oral corroboration by friends will not detract from the core findings of fact made by the judge. In this situation it is will be argued that consideration of credibility is complete and sustainable in law. It is clear that the judge has taken into account the evidence in the appellant's bundle and skeleton argument (p3 of the determination) in reaching the conclusions drawn."
14. The evidence referred to is that of [DJ] and [AG], whose respective witness statements are dated 10.6.15. The first claims to have been a member of OLF since 2000. She fled Ethiopia in 2001 and was granted refugee status in the UK. She claimed to know the appellant's family "since I was in Ethiopia they are from the same area as me in Oromo. I did not meet (EK) in Ethiopia but I know which family she is from and I have met her family members." She first met the appellant in London in May 2014, stating, "I came to know that she was from the same tribe and who her family is." She also confirmed that they have both attended OLF meetings.
15. The second witness also claims to be from the Oromo tribe but cannot speak the language. She claims to have been an OLF supporter since 2005. She left Ethiopia in 2009. "I know the appellant from Ethiopia, because my sister was renting a place in the area called Awoliya which is in Addis Ababa, it was near (EK's) family home. We are both from the Oromo Tribe. She met her in the UK in November 2014 at a Oromo Community Meeting in []. "After a while of meeting her I realised who she was." She confirmed that she met the appellant at a OLF meeting in [] on 7.3.15.
16. Both witnesses gave evidence at the First-tier Tribunal appeal hearing.

17. Reliance is also placed on the appellant's explanation for not speaking Oromo, that she was raised by an Amharic-speaking housekeep and attended Amharic school in Addis Ababa, where the Oromo culture is suppressed. One of the appellant's witnesses also stated that many Oromo people do not speak the language.
18. However, I note that the judge referred to the witnesses at §2 of the decision. In addition, at §3 the judge noted the evidence placed before the Tribunal, including the appellant's paginated bundle. At §10(d) the judge fully noted the evidence as to language as part of the appellant's case. In the same paragraph the judge also noted that one of the appellant's two witnesses was also unable to speak the Oromo language. The judge also considered the letter from the Oromo Community. At §9(i) the judge also noted, from the reasons for refusal, that it is not just the fact that the appellant does not speak Oromo but her evidence is that her father was a leader of the party and there would have been ample opportunity for him to teach the appellant the Oromo language, especially as he was such a dedicated and committed follower. "The fact that she does not speak the language weakens her claim," notes the judge from the respondent's case. More significantly, at §9(xii) of the decision to the evidence of the two witnesses of meeting the appellant at some OLF meetings, but the judge also took into account on this issue the respondent's case that if she was the active supporter she portrays herself to be, she would have attended more meetings than the evidence suggests.
19. It must follow from the above that the judge has considered the evidence presented on behalf of the appellant and it would be incorrect to suggest that no notice was taken of it. It is important to point out that the relevance was not her claimed Oromo ethnicity but the credibility of her claim of political involvement and that of her father, a leader of the party. It is in that context that the judge was considering her claimed OLF involvement in Ethiopia. In this regard, it is relevant to note that whilst the two witnesses purport to confirm the appellant is of Oromo ethnicity and some limited *sur place* involvement in the OLF in the UK, neither corroborate her factual account of events in Ethiopia. The appellant arrived in the UK in October 2013 but on her own account between arrival and her asylum interview 4 months later in February 2014, she had only attended 3 meetings. It was over a year after her arrival that the witness [AG] met her, not at a OLF meeting, but a Oromo Community Meeting in November 2014. The only OLF meeting this witness can confirm the appellant attended is one on 7.3.15, which is after the Secretary of State's refusal decision. The witness [DJ] first met the appellant at the Oromo Community in May 2014 and although she stated they had both attended OLF meetings together no date is provided. In the circumstances, the degree of corroboration these witnesses and the other evidence can provide is rather limited and does not bear directly on the appellant's claimed political involvement, or that of her father, in Ethiopia.
20. Taking the decision as a whole, I am satisfied that the judge did carefully consider all of the relevant evidence and take it into account in reaching findings, fully reasoned in the decision. The judge is not required to resolve every issue or to detail or make specific findings about each piece of evidence, provided that it is clear that all relevant evidence has been taken into account.

21. In the circumstances I find no error of law in respect of the first ground of appeal and thus the second ground of appeal falls away.

Conclusions:

22. For the reasons set out above, I find that the making of the decision of the First-tier Tribunal did not involve the making of an error on a point of law such that the decision should be set aside.

I do not set aside the decision.

The decision of the First-tier Tribunal stands and the appeal remains dismissed on all grounds.



Signed

Deputy Upper Tribunal Judge Pickup

Dated

Deputy Upper Tribunal Judge Pickup

Anonymity

I have considered whether any parties require the protection of any anonymity direction. No submissions were made on the issue. The First-tier Tribunal did not make an order. However, given the appellant's claims, I make an anonymity order.

Fee Award

Note: this is not part of the determination.

In the light of my decision, I have considered whether to make a fee award.

I have had regard to the Joint Presidential Guidance Note: Fee Awards in Immigration Appeals (December 2011).

I make no fee award.

Reasons: No fee is payable and thus there can be no fee award.

A handwritten signature in black ink, appearing to be 'J. M. Pickup', written in a cursive style.

Signed

Deputy Upper Tribunal Judge Pickup

Dated