



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

Appeal Number: PA/01144/2016

THE IMMIGRATION ACTS

Heard at Field House

On 19 April 2017

**Decision & Reasons
Promulgated
On 05 May 2017**

Before

UPPER TRIBUNAL JUDGE PITT

Between

**MR AI
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr P Bonavero, Counsel instructed by Virgo Solicitors
For the Respondent: Mr P Armstrong, Home Office Presenting Officer

DECISION AND REASONS

1. Pursuant to Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 (SI 2008/269) I continue the anonymity order made by the First-tier Tribunal. Unless the Upper Tribunal or a Court directs otherwise, no report

of these proceedings or any form of publication thereof shall directly or indirectly identify the original appellant. This direction applies to, amongst others, all parties. Any failure to comply with this direction could give rise to contempt of court proceedings.

2. This is an appeal against the decision promulgated on 14 November 2016 of First-tier Tribunal Judge Grice which refused AI's asylum and human rights claims.
3. The background to this matter is that the appellant arrived in the United Kingdom on 29 July 2015 and claimed asylum on 30 July 2015. The respondent refused his asylum claim in a decision dated 27 January 2016 and the appeal was heard in the First-tier Tribunal on 1 November 2016. As above, the appeal was refused on all grounds. The applicant's application for permission to appeal to the Upper Tribunal was refused by the First-tier Tribunal in a decision dated 7 February 2016. The application was renewed to the Upper Tribunal and in a decision dated 23 January 2017 Upper Tribunal Judge Freeman granted permission. The grant of permission refused grounds 2 and 3 and granted permission limited only to ground 1.
4. Ground 1 stated as follows:
 - "4. The Judge did not accept the appellant's account as truthful. For reasons set out below, her reasons for reaching that conclusion are unsustainable.
 5. First, the Judge says this about the appellant's involvement with the OLF [52]:

'In interview the appellant did not mention his support for the OLF as a reason for his asylum claim until the subject was introduced by the interviewing officer some way through the interview. He states that this was because he had not been asked about the OLF until that point. Given that the appellant's support for the OLFA is a central plank of his claim I find this a particularly unconvincing explanation'.
 6. However, towards the end of her decision, the Judge says [59]:

'Nor is it ostensibly part of the appellant's claim that he was identified and detained because he was a pro-OLF supporter or involved in a pro-OLF rally. Rather, he asserts that he was detained because he was at the front of the crowd chanting slogans'.
 7. Those two findings are inconsistent. The Judge first finds that the appellant's support for the OLF is a 'central plank' of his claim, but then finds that his support is merely incidental to the problems he faced.
 8. In making contradictory findings on a matter of central importance to her assessment of credibility, the Judge erred in law."

5. It is not my view that this ground discloses a material error of law such that the decision of the First-tier Tribunal should be set aside. The applicant's asylum claim was that on 28 to 30 April 2014 he attended demonstrations by large numbers of Oromo people in Ethiopia. His claim is that because he was at the front of the crowd he was arrested and detained and kept in detention for four months during which time he was seriously mistreated. This was the claim he put forward to the respondent in interview.
6. As First-tier Tribunal Judge Grice indicates at [52] of the determination, the appellant did not mention that he was an active supporter of the OLF as another reason for fearing mistreatment on return until a considerable way through his asylum interview. Specifically, he did not mention the OLF until his response to question 126 of the asylum interview and did so then only because he was asked by the interviewing officer whether he was a member or supporter of the OLF. He stated that he was a supporter. There is no challenge before me to the finding at [52] that this was an aspect of the evidence that undermined the appellant's credibility.
7. The appellant therefore had two heads to his claim, firstly that he was detained in April 2014 at the Oromo demonstration and was or would be known as somebody who had been detained on return. Secondly, he was and is an active supporter of the OLF.
8. In [52] of the determination, the judge is stating that the appellant's claim that he was an active supporter of the OLF was not credible because of his failure to mention it earlier in the interview record. That was not the only reason the judge made this finding. At [51] the judge found that the appellant had not provided credible evidence as to who in the OLF provided him with leaflets to distribute and had provided "scant" information about how he came to form a cell after being introduced to members of the OLF. At [53] the appellant's claim to be a supporter of the OLF was further found to have been undermined by the fact that he did not know details of the Ethiopian Government's "Master Plan". At [56] the judge gave reasons for finding that the letter from the Chairman of the UK OLF Committee did not attract weight and there is no challenge to that finding before me.
9. In addition to finding that the appellant's claim to have been an active supporter of the OLF was not credible, the judge also found other aspects of the claim to be unreliable, at [54] finding that it was not credible that his aunt, who visited him during detention, would not have informed his family as to what had happened to him. It was also found at [55] that it was not credible that he had not attempted to contact his family in Ethiopia and been able to do so for over two years. At [57] the judge found the absence of medical evidence where the appellant maintained that he had significant injuries following his detention in Ethiopia was not credible.

10. The appellant submits that the statement at [52] about OLF involvement being a “central plank” is inconsistent with what is said at [59] of the decision. That paragraph states:

“59. Taking the appellant’s claim at its highest, and accepting (which I do not) that he did take part in a demonstration in April 2014 and was subsequently detained, he is not asserting that this demonstration was a specific pro-OLF demonstration, but rather was an uprising of three thousand Oromo against the Government’s Master Plan. On his own account he had had previous involvement in any demonstrations and had not previously come to the attention of the authorities. Nor is it ostensibly part of the appellant’s claim that he was identified and detained because he was a pro-OLF supporter or involved in a pro-OLF rally. Rather, he asserts that he was detained because he was at the front of the crowd chanting slogans. The background evidence suggests he was one of many thousands who were detained in 2014. It is open to question whether the factual matrix as he claims it to be would place him at real risk on return and thus bring him within **MB** [Country guidance on Ethiopia].”

11. My reading of the decision is that, having made the findings on credibility in [51] to [57], the judge then went on at [59] to assess the claim to be at risk because of the 2014 detention in the alternative at its highest. He was not making further credibility findings in [59] and so cannot be said to have made a materially contradictory finding as to the basis of the appellant’s claim and his credibility. Secondly, the statement of the appellant’s claim in [59] is not incorrect. It was not part of the appellant’s claim that he had attended a specifically OLF demonstration or that he was ever identified by the Ethiopian authorities as an OLF supporter.
12. It is my conclusion, therefore, that the decision does not disclose error, certainly not material error and that the grounds of appeal are not made out.

Notice of Decision

13. The decision of the First-tier Tribunal does not disclose an error on a point of law and shall stand.

Signed 
Upper Tribunal Judge Pitt

Date: 27 April 2017