



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: PA/09753/2017

THE IMMIGRATION ACTS

Heard at Field House
On 25 July 2018

Decision & Reasons Promulgated
On 21 August 2018

Before

DR H H STOREY
JUDGE OF THE UPPER TRIBUNAL

Between

S B
(ANONYMITY DIRECTION MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms S Alban, Legal Representative, Fountain Solicitors
For the Respondent: Mr C Howells, Home Office Presenting Officer

DECISION AND REASONS

1. The appellant, a national of Ghana, has permission to challenge the decision of Judge Trevaskis of the First-tier Tribunal (FtT) sent on 17 January 2018 dismissing her appeal

against the decision made by the respondent on 14 September 2017 refusing her protection claim.

2. I am grateful to both representatives for their submissions. I do not consider that the appellant's grounds withstand scrutiny.
3. The principal two grounds contend that the judge erred in making adverse credibility findings on the basis of an ethnocentric approach which failed to consider the cultural, traditional and religious norms. The focus of this ground is what the judge stated at paragraphs 56 and 58:

"56. In the absence of any supporting evidence about any aspect of her claim, the credibility of the appellant is the crucial factor in deciding whether she has established a real risk of harm on return, whether or not that also amounts to persecution. I have considered her evidence in the round, including her answers in her asylum interview. I have borne in mind that she was 25 years old and educated to university standard at the time of that interview. Bearing those factors in mind, I found some of her answers to be incoherent. She did not report the rape to the police because she did not know where the men stayed⁹ [footnote 9 asylum interview question]; she said that her sister left home but she cannot say when¹⁰ [footnote 10 asylum interview question 23]; she did not tell her mother that she had been raped because she was feeling bad inside and her mother could not do anything¹¹ [footnote 11 asylum interview questions 24 and 25]; she did not tell A because he always beats her when they are talking¹² [footnote 12 asylum interview question 32]; they were dating for two years, but she did not tell her mother or introduce him to her mother because they promised each other to do this when they were getting married¹³ [footnote 13 asylum interview question 40]; her mother knows that she is in the United Kingdom, although she did not tell her mother that she was leaving, and she did not give her mother's address to the friends of A who said they would find her mother and tell her¹⁴ [asylum interview questions at 50-54].

...

58. If she was pregnant, and she realised the consequences for her two-year relationship, I do not find it credible that she would not have sought some medical intervention either to ensure that she was not in fact pregnant, or to terminate the pregnancy, particularly given her own level of access to the medical profession; it is not credible that a trained nurse would instead resort to an unidentified herbal remedy. It is also not credible that she would not seek help from her mother, whether or not she also sought help from the police. She said that she was committed to marry her boyfriend, and she described him as violent, so I do not believe that she would have simply hoped that he would not notice if she were pregnant."

4. The two grounds are complemented by the contention, presented as a third ground, that the judge failed to consider the supporting objective evidence stating inter alia that:
 - (i) women are often denied their statutory entitlement to inheritance and property by traditional practices and social norms;

- (ii) women suffer from domestic violence and can endure it for financial reasons;
- (iii) rape in Ghana is a serious and underreported problem;
- (iv) acid attacks by jilted lovers are common in Ghana;
- (v) any woman who gets pregnant before marriage is regarded as a disgrace to her family and society.

It was also contended that the judge had relied unduly on inherent (im)probability.

5. It is convenient to first address the third ground. Read as a whole, the judge's decision shows that he did have regard to the background country information, indeed quoting at paragraph 23 from the respondent's Country Policy and Information Note Ghana, Version 1.0 December 2016 and specifically noting at paragraph 31 the appellant's submissions with reference to the bundles produced by both parties (see paragraph 22) that "[t]here is background evidence which shows that women are subjected to violence, including rape and acid attacks in Ghana, and that there are limited economic opportunities for women, especially those in a similar situation to the appellant" [four pages of the appellant's bundle are footnoted]. At paragraph 41 the judge states that his findings are based on all the evidence, including that set out in the parties' bundles. At paragraph 59 the judge also refers to "the country information quoted above". Although that paragraph addresses the issue of a particular social group, it is in the context of evaluating the credibility of her "account of the reason for her fears on return to Ghana". At paragraph 72, albeit in the context of assessing Article 8, the judge again refers expressly to "background information" regarding discrimination in Ghana. I am satisfied that the judge's assessment was clearly made in the context of the background country information. Further, I cannot see that any of the judge's findings are in conflict with the background country information; it is simply that on the judge's findings as regards the appellant's particular circumstances this information did not establish she would be at risk.
6. My assessment of ground 3 to some extent frames my assessment of the first two grounds.
7. As regards the attack on paragraph 56, it must first of all be observed that the judge's focus in this passage was on the appellant's asylum interview. Paragraph 58 was not intended to encapsulate the entirety of the judge's credibility assessment. The latter also took into account her oral evidence at the hearing (see paragraphs 57-58). There was no challenge to paragraph 57.
8. The grounds voice disagreement with the judge's assessment of various answers given by the appellant as "incoherent" but in my judgement the judge's assessment was within the range of reasonable responses. Certainly, it has been not been shown that the judge's assessment was based on a failure to understand social and cultural norms of Ghanaian society. It is also important to bear in mind that the judge was here summarising the appellant's answers: the precise sequence of questions and answers in each of these issues was more detailed. The judge's assessment of this interview was one that was open to him considering the interview answers as a whole and it was

also open to the judge to take into account in this respect that the appellant was “25 years old and educated to a university standard” (paragraph 56).

9. Similar considerations apply to the judge’s assessment at paragraph 56, where once again the judge’s assessment took particular account of the appellant’s qualifications as a nurse and access to the medical profession. Ms Alban said, a propos of paragraph 58, that it was contrary to the background evidence for the judge to exclude that someone in the appellant’s position would have relied on herbal remedies, but that amounts to a mere disagreement with the judge’s findings (based on having seen and heard from the appellant) that the appellant’s medical training and knowledge made that unlikely.
10. For the above reasons I conclude that the judge did not materially err in law and his decision to dismiss the appellant’s appeal must stand.

Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until a Tribunal or court directs otherwise, the appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify her or any member of her family. This direction applies both to the appellant and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.

Signed:

Date: 7 August 2018



Dr H H Storey
Judge of the Upper Tribunal