



**Upper Tribunal
(Immigration and Asylum Chamber) Appeal Number: PA/02028/2019**

THE IMMIGRATION ACTS

**Heard at Field House
On the 14th July 2022**

**Decision & Reasons Promulgated
On the 23rd August 2022**

Before

UPPER TRIBUNAL JUDGE NORTON-TAYLOR

Between

**IA
(ANONYMITY DIRECTION MADE)**

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Pursuant to Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, I make an anonymity order. 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 appellant or members of his family. This direction applies to, amongst others, all parties. Any failure to comply with this direction could give rise to contempt of court proceedings.

Representation:

For the appellant: Ms A Childs, Counsel, instructed by NLS Solicitors

For the respondent: Mr C Howells, Senior Home Office Presenting Officer

DECISION AND REASONS

Introduction

1. This is the re-making decision in this appeal, following a decision of Upper Tribunal Judge Kekic, promulgated on 27 October 2020, by which she concluded that the First-tier Tribunal (Judge Manyarara) had erred in law when dismissing the appellant's appeal against the respondent's decision of 19 February 2019, refusing his protection and human rights claims. Put shortly, the error was a failure to engage with relevant medical evidence which was capable of supporting the appellant's case.
2. This is the second time that the appeal has been before the Upper Tribunal; it had originally been dismissed by the First-tier Tribunal (Judge Shore) in May 2019, but that decision had subsequently been set aside.
3. The appellant is a citizen of Ethiopia, born in 1996. It is accepted that he is of Oromo ethnicity. His protection claim can be summarised as follows. His father and older brother were involved with the Oromo Liberation Front ("OLF"). Through them, the appellant became a supporter of that organisation and he joined its youth group, Qeerro. The appellant and his family members attended demonstrations in Ethiopia. Although there are difficulties with the appellant's evidence over the course of time (the subject of discussion, below), the two central events occurred in May 2014 and November 2015. In respect of the former, it is claimed that his father and older brother were arrested and detained. His brother was killed in detention (alternatively, the brother was killed following the 2015 protest). At the latter protest, the appellant himself was arrested and detained. He was shot and wounded, and ill-treated in detention. He was released through bribery and then fled Ethiopia, eventually arriving in the United Kingdom in July 2018.
4. Whilst in the United Kingdom, the appellant claims that he has actively supported the OLF, attending a number of meetings and demonstrations.
5. It is claimed that, whether on the basis of his adverse history in Ethiopian alone or in combination with his *sur place* activities, he is at risk in light of the current country guidance from the Upper Tribunal set out in Roba (OLF - MB confirmed) Ethiopia CG [2022] UKUT 00001 (IAC). The relevant aspects of the previous guidance set out in MB (OLF and MTA - risk) Ethiopian CG [2007] UKAIT 00030 provide as follows:

OLF members and supporters and those specifically perceived by the authorities to be such members or supporters will in general be at real risk if they have been previously arrested or detained on suspicion of OLF involvement.

Those who have a significant history, known to the authorities, of OLF membership or support, or are perceived by the authorities to have such significant history will in general be at real risk of persecution by the authorities.

‘Significant’ should not be read as denoting a very high level of involvement or support. Rather, it relates to suspicion being established that a person is perceived by the authorities as possessing an anti-government agenda. This is a fact sensitive assessment.

The issues in this appeal

6. None of the findings made by either of the previous two First-tier Tribunal Judges have been preserved. Thus, I must consider and reach findings on the evidence as a whole.
7. Although the respondent has not expressly conceded the point, it would appear to be the case that if the appellant's claim in respect of events in Ethiopia was true in all material respects, he may well be at risk in light of the country guidance.
8. Whether or not the claimed *sur place* activities would be sufficient to place the appellant at risk absent any existing profile will need to be determined.
9. No free-standing Article 3 medical or Article 8 claims have been pursued before me.

The documentary evidence

10. Having had to spend a good deal of time sorting through the various sets of papers on file (representatives should always consider providing a consolidated bundle for resumed hearings, even if not expressly directed to do so by the Tribunal), I have considered the following documentary evidence:
 - (a) The respondent's original appeal bundle, under cover of letter dated 12 March 2019;
 - (b) The appellant's bundle provided to the First-tier Tribunal in 2020, indexed and paginated 1-46. I have now attached to this the appellant's witness statement, dated 25 March 2019 (this was extracted from a previous bundle and copies made for both representatives);
 - (c) The new appellant's bundle, indexed and paginated 1-136. This contains the appellant's latest witness statement, signed and dated at the hearing;
 - (d) A report by Annalisa Cortese, Psychological Therapist at Freedom From Torture, dated 7 July 2022;
 - (e) The two previous First-tier Tribunal decisions from 2019 (Judge Shore) and 2020 (Judge Manyarara), albeit only to the extent that they record the evidence given by the appellant at those hearings.

The oral evidence

11. At the outset of the hearing, Ms Childs submitted that the appellant should be treated as a vulnerable witness in light of Ms Cortese's report. There

was no opposition to this from Mr Howells. I assented to the request. From the beginning of his evidence, I bore in mind the contents of the Joint Presidential Guidance Note No.2 of 2010. I emphasised to the appellant the importance of listening carefully to all questions put, ensuring that he understood them before answering, seeking any clarification at the time the need arose, and that breaks could be taken at any time.

- 12.** The appellant gave his oral evidence with the assistance of an Oromo interpreter. I was satisfied that they understood one another and no difficulties with comprehension arose during the hearing.
- 13.** The appellant's oral evidence was lengthy and is of course a matter of record. It is only right to say at this juncture that the evidence was, in many respects, problematic. I will deal with the relevant evidence when setting out my findings of fact, below.

The parties' submissions

- 14.** Mr Howells relied on the reasons for refusal letter and the respondent's skeleton argument (which contained long list of alleged inconsistencies in the appellant's evidence prior to the hearing). In essence, Mr Howells submitted that the appellant was an untruthful witness in almost all respects. There were, it was submitted, four versions of the claim in writing, and yet another emerging from his oral evidence. There were multiple important inconsistencies going to the core of the account. The medical report did not provide significant support and the same applied to that from Ms Cortese. The *sur place* activities were minimal and insufficient to create risk.
- 15.** Ms Childs relied on her skeleton argument. She submitted that there were core aspects of the claim which had remained consistent throughout: the attendance at demonstrations, the death of the older brother, the appellant's detention, and his wounding and ill-treatment. The difference in dates could be explained by the use of two different calendars; the Ethiopian and the Gregorian. Ms Cortese's report highlighted difficulties in the appellant ability to remember dates and provide an accurate chronology of events. Her report involved appropriate assessments and it was detailed in nature. The appellant's account was consistent with country information on events in Ethiopia during 2014 and 2015. Inconsistencies in the evidence had been adequately explained in the latest witness statement and oral evidence. The scarring report was supportive.
- 16.** Even if the appellant had been untruthful about events in Ethiopian, his activities in the United Kingdom were sufficient to place him at risk. It was reasonably likely that the Ethiopian authorities will have watched protests in the United Kingdom and have knowledge of the appellant's participation. They would perceive him to be a supporter of the OLF and have an anti-government agenda. Given the low threshold for adverse interest, the appellant could succeed on this alternative basis.

Findings of fact

17. I have considered the evidence as a whole. My assessment of the appellant's truthfulness is a composite exercise involving plausibility, consistency (internal and external), and the application of the lower standard of proof. My findings must be placed in some form of order, but this is not to be read as an artificial linear consideration of particular elements of the evidence. Analysis of one aspect will have been informed by analyses of others.

The appellant as a vulnerable witness

18. My assessment of the appellant's evidence has been undertaken in the context of his status as a vulnerable witness. I have considered whether the appellant experienced any material difficulties in presenting his evidence to me at the hearing and/or whether similar difficulties may have occurred when he has given his evidence before other judges, or indeed to the respondent at interview and/or when interacting with his representatives (current or previous).

19. In the event, whilst for reasons set out later I accept that the appellant has been assessed as recently experiencing symptoms of certain mental health conditions (albeit without any diagnoses), I find that his vulnerability has not had a material effect on his ability to put forward his claim before me, or over the course of time. In respect of the latter, there is no reliable evidence of material problems having been raised or recorded in the past. In fact, there have been expressed statements confirming the absence of any mental health problems. As to the current position, I was satisfied that the appellant understood the nature of the proceedings and the questions put to him. On the rare occasion where he required clarification, this was sought. The appellant was not visibly upset at any stage during the hearing. There were no other apparent indications of distress or confusion. Whilst an individual's demeanour must be treated with real caution, it is a fact that the appellant was engaged and, at points, animated, when giving his evidence.

20. I acknowledge that Ms Cortese's report refers to difficulties with the recollection of events. However, for reasons set out in due course, I do not accept that any such difficulties are the result of cognitive limitations or mental health challenges caused by claimed events in Ethiopia.

21. In summary, I do not accept that the appellant's vulnerability has had a material bearing on the very significant evidential problems arising in this case.

The appellant's Oromo ethnicity

22. It is common ground that the appellant is of Oromo ethnicity. I find that this is the case. It is plausible that his father and older brother might have supported the OLF, as many members of the Oromo community would have. It is also plausible that familial support for the OLF might have filtered down to the appellant to the extent that he had sympathies with that organisation's aims.
23. In this regard, there is an element of support for the appellant's overall claim to have become active for the organisation and, together with his father and brother, that he attended protests in Ethiopia.
24. What is all-important, though, is whether the specific events claimed to have occurred in fact did.

The claimed events in 2014 and 2015

25. There are multiple and significant problems with the appellant's evidence in respect of what is a, if not the, core aspect of his protection claim, namely that his father and brother were arrested and the latter killed in detention, and that the appellant himself was arrested in 2015 and ill-treated. The forensic analysis provided by Mr Howells and his submissions were, having conducted my own assessment, well-founded.
26. It is inescapable that there have been at the very least four differing accounts provided by the appellant over the course of time. It is also the case that certain elements of the claim have remained consistent, as submitted by Ms Childs. However, a repetition of only a few basic assertions (support for OLF, being shot, being arrested and ill-treated, and a brother being killed) does not, in and of itself, provide a platform for finding that the claim as a whole is truthful.
27. What follows are the most significant of the evidential problems I have identified as going to the essential components of the protection claim.
28. The appellant was, in my judgment, vague and evasive when asked about the number of demonstrations he had attended in Ethiopia. In oral evidence he had simply said "less than ten." In his latest witness statement he put this as "at least five.". In the asylum interview, a precise figure of "three" was provided. Whilst "less than ten" could clearly include three and five, when taken with the evidence in the round, it is clear to me that the appellant was either unsure about what he had said before and trying to avoid being caught out, or was simply providing untrue answers as he went along. Further, in his latest witness statement the appellant stated that he had he had started attending protests in 2010/2011 however, in his asylum interview he confirmed that attendance had only begun in November 2014. That answer was also inconsistent with his other evidence that he had attended a demonstration in May 2014.
29. The appellant had stated that his brother was arrested and killed in 2014, but then went on to say in the same witness statement that in November 2015 "my brother" told him to take part in a demonstration. There was no

mention that this was a different brother. Much more significantly, the initial claim that the brother had been killed in 2014 was directly contradicted by the latest witness statement, which asserts that the brother in fact died at a demonstration in August 2015. This changed again in oral evidence to the brother, father, and appellant all being at the same demonstration in November 2015, that the brother being killed then and the appellant shot. Before Judge Manyarara in 2020, the appellant said that his brother was detained for a second time in 2014 and killed in that year. Later in oral evidence, the appellant stated that his brother had not in fact been detained at all.

- 30.** The evidence on the question of what happened to the brother is irreconcilable.
- 31.** The appellant previously stated that he had been shot then arrested at a demonstration in November 2015. In the latest witness statement this changed to 5 August 2015. In oral evidence, when asked whether the authorities searched the family home in 2014, the appellant stated that he had been in detention, or hospital recovering from the gunshot, when that took place. He confirmed that this was at the end of 2014. Again, the evidence is irreconcilable.
- 32.** The appellant relies on the scarring report from Dr Izquierdo-Martin, dated 9 February 2020. I accept that the author was suitably qualified to provide his opinion on the appellant's scarring. Two matters arise from the report. First, the author was only prepared to state that the relevant scars, in particular those relating to the claimed gunshot wound and knee injuries from claimed ill-treatment in detention, were "consistent" with the appellant's account. That represents the second-lowest level within the Istanbul Protocol. No explanation was provided as to whether there was some specific reason as to why a higher level of attribution could have been stated (for example, whether gunshot wounds were inherently difficult to assess).
- 33.** Taking the report together with the evidence as a whole, my primary finding is that the scar on the appellant's chest was not in fact caused by a gunshot. The adverse nature of my credibility findings are such that the cause attributed by the appellant, whilst consistent with his claim, is not true. Alternatively, if I were to accept that it had been caused by a gunshot, the injury was not caused by the appellant being shot at a demonstration in Ethiopia. I need not make positive findings as to how it may actually have been caused, but there are a variety of possibilities as to how the appellant might have been shot at some point in time, including in Ethiopia for reasons unconnected with any protests, or during the arduous journey from that country to, for example, Libya.
- 34.** In respect of the scars on the appellant's knees, the attribution of "consistent" leaves open many alternative causes. For the purposes of my findings, they were not caused by the appellant being forced to travel over broken glass or any other material.

- 35.** The second issue arising from scarring report is the number of forms of ill-treatment and/or injury claimed by the appellant which are not mentioned by the author at any stage. The examples provided by Mr Howells included being subjected to electric shocks, being hit by gun butts, and having a leg broken. Whether or not these would have resulted in lasting scars is not the point. That they are not referred to at all in the report indicates one of two possibilities: either they were not mentioned by the appellant, or they were mentioned but not included. The latter would involve a serious imputation of the author's conduct and/or ability to write an adequate medical report. Taking the evidence as a whole, I do not accept that these matters were mentioned. No adequate explanation has been provided as to why this would have been the case. I find that he did not mention them because none of them were true, or that he had forgotten that he had stated in evidence elsewhere. Either way, the contents of the report go to undermine the appellant's claim detention and ill-treatment and his overall credibility.
- 36.** My findings on the issues of detention and ill-treatment include an assessment of Ms Cortese's report. She quite properly acknowledged that she was not able to make a formal diagnosis of mental health conditions. However, I am satisfied that her qualifications and experience (including working with Freedom From Torture) enabled her to undertake an evaluation of the appellant. I accept that the appellant was seen over the course of three appointments in 2022. It is apparent from the report that the appellant completed a number of relevant "outcome" tools. I accept that the scores obtained from those self-completion tools indicated that he suffered from a "severe level of symptoms of depression" and "moderate-to-severe psychological distress." I acknowledge too that Ms Cortese will have applied her own knowledge and experience to the symptoms reported by the appellant.
- 37.** It is the case that Ms Cortese is not a psychiatrist or psychologist. It is also the case that there was no other supporting evidence as to state of the appellant's mental health over the course of time. For example, she was not able to see any GP records and none have been produced in this appeal. That is significant in light of the guidance set out in HA (expert evidence; mental health) Sri Lanka [2022] UKUT 111 (IAC). There is a letter from a locum GP, Dr Arshad, but this makes no reference to mental health problems. In oral evidence the appellant stated that he had told a doctor about mental health problems. I do not accept that. If he had told Dr Arshad, this would have been set out in the letter. If he had told any other GP, there is no reasonable explanation as to why evidence of this has not been produced. The appellant has confirmed that he is not taking any medication for mental health conditions. I do accept that he seemed to be receiving counselling, although no details of this had been provided. I also take account of the fact that in previous evidence (for example, the asylum interview), the appellant expressly stated that he had no mental health problems.

- 38.** Dr Cortese was of the opinion that the appellant would, as result of the symptoms reported, have trouble giving a clear chronological accounts of events and would be likely to struggle to recall and clearly explain the details of his torture. I shall return to this, below.
- 39.** Dr Cortese's report provides some support for the appellant's case to the extent that symptoms of PTSD would indicate that his history includes having experienced a traumatic event (or events). On his case, this would have been the shooting, detention, and ill-treatment in Ethiopia. However, when the report is placed in the context of the evidence as a whole, the support is in reality very limited indeed. A significant amount of the assessment in the report was predicated on questionnaires completed by the appellant. The absence of any other reference to mental health problems, as discussed in paragraph 37, above, is significant. The nature and extent of the evidential problems with the rest of the evidence is so significant that it greatly undermines the value of the tools used by Dr Cortese in her report in so far as her overall opinions go to assist the account being put forward by the appellant.
- 40.** I am not obliged to put forward alternative reasons why the appellant may be suffering from symptoms of mental health conditions: my task is simply to consider the appellant's claim. Having said that, it is of note that at two points during oral evidence, the appellant emphasised what seemed to have been a traumatic experience which occurred whilst he was in the United Kingdom. He told me that in 2019 he had been left homeless by virtue of actions by the respondent (it was not clear what these were). He had apparently been left without support for a period of approximately five months. It was clear from his evidence that he still felt real distress over what had happened. There is a very real possibility that this event has led to any ongoing mental health symptoms.
- 41.** In summary, I attribute very little weight to Dr Cortese's report in so far as it is relied on to support the appellant's claim.
- 42.** The appellant has given at least four different dates as to when he was released from detention: the end of 2014; August 2015; November 2015; and December 2015. This cannot be adequately explained simply by reference to the different calendars.
- 43.** The evidence on what took place after the release is inconsistent. Before the First-tier Tribunal in 2020, the appellant had said that he had been driven to his mother's house (that in itself was inconsistent with evidence in a witness statement). The latest witness statement denies that he ever returned home and that instead he met his mother on the roadside. Whilst not of the greatest significance, this is nonetheless yet another inconsistency which does not involve dates.
- 44.** I have considered the reliability of the OLF letter, dated 20 March 2019. It was apparently written by the Chairman of the "OLF Committee in the UK." It purports to confirm that appellant was a supporter of the organisation and that he had been involved in "the political activities of the Oromo

people.” No details as to what that participation actually meant in practice are provided. Given the extremely limited nature of the other evidence relating to claimed activities in United Kingdom, the absence of any further details in the letter is a concern. At best, the omission does not assist the appellant’s case.

- 45.** A more significant concern is the statement of the letter that “it has been established” that the appellant had participated in “covert meetings and demonstrations” in Ethiopia. No information is provided as to how those purported facts had been “established.” For example, there is nothing on what methods of communication there were with the OLF in that country. In respect of the appellant’s claim that he was arrested by the authorities, the letter is silent. All it says is that the appellant himself “told us” that he had “survived a gunshot”. It is, to say the least, surprising that the organisation was unable (or unwilling) to say anything about a central element of the appellant’s claim (i.e. the detention), despite other events in Ethiopia having been “established”. In light of the forgoing and in the context of the evidence as a whole, I place no material weight on the OLF letter.
- 46.** I emphasise that none of my findings set out above have been made without first considering the various explanations put forward by the appellant for the significant evidential problems in his case.
- 47.** The first of these explanations relates to the significant assertion contained in the latest witness statement, wherein it is said that the appellant could not recall previous statements and chronologies being read back to him in full. This, he claims, goes in part to explain the differences in dates and the order of events.
- 48.** I regard this latest assertion as highly detrimental to the appellant’s credibility. As far as I can see, at no stage prior to the latest statement has the appellant ever alleged that previous representatives failed to discharge their professional obligations properly by ensuring that witness statements had been read to him in Oromo before they were signed and submitted. Previous witness statements had been relied on in two sets of proceedings before the First-tier Tribunal. Nothing was said then about any failings on the part of representatives. Even now, there is no evidence of any formal complaint having been lodged against previous representatives for what would have been, on any view, professional misconduct on their part.
- 49.** I find that the assertion in the latest statement is simply untrue. It is not reasonably likely that previous representatives had acted negligently. It is not reasonably likely that previous representatives failed to have witness statements (from which the chronologies were taken) read to the appellant in Oromo. Rather, it is extremely likely that the appellant has provided inconsistent evidence because his claim has been fabricated.
- 50.** The second explanation relates to the opinion of Ms Cortese. Her view was that the appellant would struggle to provide a consistent account. If it

were not for the numerous other serious problems with the appellant's evidence (including the other explanations put forward for these problems), I would be inclined to attach material weight to that view. However, placing her report in the context of the evidence as a whole and having regard to the nature of the assessment tools employed when preparing that report, the possibility that most, or at least many, of the inconsistencies are down to problems with recollection is extremely remote and I discount it.

- 51.** The third explanation is that the use of different calendars has led to inconsistencies. There are indeed two calendars - the Ethiopian and the Gregorian - and I accept that this scenario can in principle lead to evidential problems. The Tribunal is used to considering such issues in respect of a number of countries around the world where conversions are in play. I have considered the conversions of certain relevant dates contained within the appellant's latest bundle. I find that they offer no material assistance to the appellant because: (a) they only relate to two dates and there are numerous other evidential problems relating to dates not covered in those conversions; (b) they do not begin to address or outweigh the other very significant evidential problems which do not relate simply to particular dates; and (c) the explanation must be seen in the context of the evidence as a whole.
- 52.** Ms Childs submitted that the country information showed that many demonstrations took place in Ethiopia during 2014 and 2015 and this was highly supportive of the appellant's account. I agree that the country information does lend plausibility to the claim and I have accounted for that. There was a significant upsurge in anti-government protests during that time, accompanied by a crackdown by the authorities. Yet the general plausibility of the appellant's claim is outweighed by a significant margin when set against the specific evidential problems which I have addressed.

Sur place activities

- 53.** I turn to the claimed *sur place* activities. I agree with Mr Howells' submission that any activities undertaken have been extremely limited and have not been pursued on a genuine basis.
- 54.** The appellant's evidence on all other aspects of his claim is untrue and this has a direct bearing on my assessment of whether he has acted out of genuine motivation in this country. Beyond that, the evidence on the claimed activities is very poor, to say the least. There are only three photographs in evidence: two relate to what appears to be a single indoor event and the other shows the appellant at an outdoor protest. The appellant stated in oral evidence that he has attended "12 or 13" demonstrations. I find that that is untrue, given the state of his evidence as a whole. The appellant accepts that he is not a member of the OLF in the United Kingdom there is no reason explanation as to why he has not sought membership given his purported commitment to the organisation. I

have previously considered the single OLF letter and found it to be deserving of no material weight. There have been no supporting witnesses from the OLF. There is a single receipt for financial contributions to the organisation.

55. All-told, I accept only that the appellant has attended a single indoor event and one outdoor protest in 2020. I do not accept these were attended out of any genuine political or other motivation.
56. I accept that the Ethiopian authorities have an adverse view of the OLF. It is likely that this applies to activities within the diaspora. I am prepared to accept that surveillance takes place in countries such as the United Kingdom. I also bear in mind the guidance in Roba to the effect that “significant” does not imply a particularly high threshold.
57. Even so, I find that it is not reasonably likely that the Ethiopian authorities in the United Kingdom will have in fact taken a picture of the appellant at either of the two events he has attended. The evidence before me does not demonstrate that such a comprehensive level of surveillance takes place. Even if they had, it is inconceivable that they would have regarded, or would now regard, this exceptionally low level of involvement as constituting anything “significant”. It is not reasonably likely that the authorities would perceive the appellant as a genuine supporter of the OLF, or that he genuinely holds an anti-government agenda.
58. It follows from the above that the appellant is not a genuine supporter of the OLF and would not wish to openly profess any genuinely held beliefs on return to Ethiopia.

Summary of findings of fact

59. Bringing all of the analysis conducted above together, I find that:
 - (a) The appellant is Oromo;
 - (b) His father and older brother supported the OLF and the appellant was sympathetic to its aims;
 - (c) The appellant’s father was never detained by the authorities and/or disappeared;
 - (d) The appellant’s older brother not detained and killed by the authorities;
 - (e) The appellant himself was not shot, detained, or ill-treated, by the authorities;
 - (f) The appellant and his family have never been the subject of adverse attention by the authorities;
 - (g) The appellant is not a genuine supporter of the OLF;
 - (h) The appellant’s extremely limited *sur place* activities have not been undertaken out of genuine political beliefs;

- (i) The appellant has never been photographed or otherwise recorded by the Ethiopian authorities in United Kingdom;
- (j) The appellant has not been, nor would be on return, perceived as a supporter of the OLF or a person possessing an anti-government agenda;
- (k) The appellant would not wish to genuinely openly profess OLF beliefs in Ethiopia.

Conclusions

- 60.** I have sought to set out comprehensive findings of fact in this case because they constitute the central issue in dispute between the parties.
- 61.** In light of those findings, the appellant's protection claim must fail. He does not fall within a risk category identified in Roba. I emphasise my finding that it is not reasonably likely that the Ethiopian authorities would even perceive him as being an OLF supporter and/or holding an anti-government agenda.
- 62.** The country guidance does not demonstrate that the mere fact of Oromo ethnicity permits an individual to succeed. There has been no submission before me to the contrary.
- 63.** It also follows my findings that the appellant cannot succeed on the principal set out in HJ (Iran) [2010] UKSC 31, [2010] Imm AR 729 because he does not genuinely held political beliefs.
- 64.** Neither Article 3 nor Article 8 have been pursued, as distinct from the protection claim.
- 65.** The appellant's appeal is dismissed on all grounds.

Anonymity

- 66.** This appeal concerns a protection claim. It is appropriate to maintain the anonymity direction already made by the Upper Tribunal.

Notice of Decision

- 67. The making of the decision of the First-tier Tribunal did involve the making of an error on a point of law and that decision has been set aside.**
- 68. I re-make the decision by dismissing the appeal on all grounds.**

Signed: H Norton-Taylor

Date: 19 July 2022

Upper Tribunal Judge Norton-Taylor

TO THE RESPONDENT
FEE AWARD

I have dismissed the appeal and therefore there can be no fee award.

Signed: H Norton-Taylor

Date: 19 July 2022

Upper Tribunal Judge Norton-Taylor