



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

Appeal Number: AA/08366/2013

**THE IMMIGRATION ACTS**

**Heard at Bradford  
On 13 December 2013**

**Determination Sent  
On 27 January 2014**

**Before**

**UPPER TRIBUNAL JUDGE CLIVE LANE**

**Between**

**BLESSING ESOHE AMODE**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr R Worthington, Parker Rhodes Hickmotts, Solicitors  
For the Respondent: Mr S Archibald, a Senior Home Office Presenting Officer

**DETERMINATION AND REASONS**

1. The appellant, Blessing Esohe Amode, was born on 19 October 1979 and is a female citizen of Nigeria. She appeals against a decision of the First-tier Tribunal (Judge Batiste) which is dated 10 October 2013. Judge Batiste

dismissed her appeal against a decision of the respondent dated 18 August 2013 to refuse her leave to enter the United Kingdom.

2. There are two grounds of appeal. The first ground asserts that the judge “erred in law in failing to consider [the appellant’s] evidence in the round.” The appellant relied on an expert report from the Poppy Project prepared by a Mary Baillie. [25], the judge made what the grounds described as a “preliminary finding” to the effect that he was “entitled to consider [Miss Baillie] as an expert witness due to her experience in dealing with women claiming to have been trafficked.” The grounds then complain [7] that the judge had rejected the evidence of the appellant and that provided by Miss Baillie.

3. [39], Judge Batiste wrote:

I do also note that whilst [Miss Baillie] is entitled to be regarded as having expertise due to experience over the last four years of work, I note that she does not have qualifications that would give her further expertise beyond that. Equally whilst she has been on courses and has a background in mental health work, there is little evidence that she has had specialist skills in being able to assess the plausibility of individual claimants.

4. Earlier, at [37], Judge Batiste discussed the oral evidence given by Miss Baillie at the hearing. He noted that “she assessed the appellant’s account as to having been trafficked as being plausible and consistent with other victims in general research.” The judge went on to note [38] Miss Baillie had accepted “a very much higher” portion of Poppy Project clients as having been genuinely trafficked. The judge considered that this called her “judgments” into question.

5. At the Upper Tribunal hearing, Mr Worthington sought to expand upon this ground of appeal, he referred to me to a passage in Miss Baillie’s report:

[the appellant’s] reaction is consistent with Poppy research around women’s fears of reporting to the police, particularly when the police in their home country have high levels of corruption. Due to [the appellant’s] current vulnerability it is my assessment that pressuring her to make a formal statement at this time is likely to cause her significant and unreasonable distress.

6. At [32] and [35], the judge noted that the appellant had not sought the assistance of the police or other United Kingdom authorities following her escape from the “clutches of Mr Sherrif [trafficker].” [35], the judge noted the delay of the appellant in claiming asylum. He records that the reason given by the appellant for not claiming earlier was that she was “unaware of the asylum process of concept (*sic*).”

7. I reject that ground of appeal. The written grounds and Mr Wilkinson in his oral submissions sought to criticise Judge Batiste for, on the one hand, finding that Miss Baillie was an expert witness but then going on to reject her evidence. The criticism is unfounded. Judge Batiste was right to seek to define the nature of the evidence given by Miss Baillie. As an expert

witness (unlike a witness of fact) she was entitled to give opinion evidence. However, the fact that Judge Batiste accepted Miss Baillie as an expert witness did not, of course, mean that he had to attach weight to the evidence which she gave. I find that Judge Batiste was entitled to have regard to Miss Baillie's particular record of believing the accounts are clients compared with other workers for the Poppy Project. The judge has done exactly what he was required to do, that is to weigh and assess the witness evidence and to give clear and cogent reasons in support.

8. Further, it was the judge's role to consider the credibility of the appellant and he was right not to delegate that task to the expert witness. Expert evidence can be useful in assisting the Tribunal in matters of credibility but there was no obligation on the judge to accept the appellant as a credible witness simply because the expert witness believed that she was telling the truth.
9. Having given good reasons for rejecting Miss Baillie's view that the appellant was a credible witness, I have no doubt that the judge had regard to those elements of her report which offer background evidence regarding trafficked women. For example, the passage of the report which I have quoted above referring to the reluctance of trafficked women to engage with the police is part of the background evidence to which I find the judge had proper regard; as he noted at [42] he had considered "all the evidence in the round."
10. In conclusion, I find that the judge was not obliged to agree with the opinions of Miss Baillie simply because he accepted that she gave evidence as an expert witness. The judge made findings about the appellant's credibility and rejected her explanations for delaying claiming asylum and seeking help from the United Kingdom authorities in the light of the background material provided by the expert. On that latter point, I note that the judge has engaged directly with the explanations given by the appellant which differ from the more generalised observations contained in Miss Baillie's report. Finally, I find that it is very clear that the judge has considered all the evidence, including the expert report, before reaching any findings of fact or concluding his assessment of the credibility of the appellant's account.
11. For the reasons I have given above, this appeal is dismissed.

## **DECISION**

12. This appeal is dismissed.

Signed

Date 16 January 2014

Upper Tribunal Judge Clive Lane

