



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

Appeal Number: AA/10936/2014

THE IMMIGRATION ACTS

**Heard at Birmingham
On 27 April 2015**

**Determination Promulgated
On 1 May 2015**

Before

UPPER TRIBUNAL JUDGE PITT

Between

**BGA
(ANONYMITY ORDER MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Howard, Fountain Solicitors

For the Respondents: Mr Mills, Senior Home Office Presenting Officer

DECISION AND REASONS

1. This is an appeal against the decision promulgated on 10 February 2015 of First-tier Tribunal Judge Parkes which refused the appellant's asylum and human rights claims.
2. Pursuant to Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 (SI 2008/269) 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 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. I do so in order to avoid a likelihood of serious harm arising to the appellant from the contents of the protection claim.

3. The appellant claimed to be of Eritrean ethnicity and nationality, born in Eritrea to Eritrean parents. Her account is that she went to live in Ethiopia when very young. She became a Pentecostal Christian. She was expelled from Ethiopia to Eritrea in 2000. She was discovered at a Pentecostal Christian meeting there, detained for 10 days and on release left the country illegally, in 2001.
4. Judge Parkes did not accept that the appellant was Eritrean. He did not accept her account to have been born in Eritrea or to have been expelled from Ethiopia to Eritrea. He gave his reasons for this at [12] to [14] and [19] to [22]. The appellant spoke an Ethiopian not an Eritrean language. A letter from a community organisation was not clear as to how the conclusion that she was Eritrean was reliably reached. Her knowledge of the geography of the area in which she claimed to have lived in Eritrea and of Eritrea generally did not support her claim. She failed to claim asylum in the other European countries she had been in before coming to the UK.
5. Judge Parkes also found at [15] to [18] that the appellant had not shown that she was a Pentecostal Christian as her knowledge of the faith was insufficient and her claim not consistent with the country evidence of difficulties for Pentecostal Christians in Eritrea.
6. Nothing in the written or oral submissions before me indicated specifically why those findings were inadequately reasoned as asserted in ground 4. The conclusion at [23] that the appellant's evidence was "riddled with inconsistencies" was not in any way the only reasoning provided; see above. The judge considered the letter from the community group in terms at [13] to [14]. The evidence of the appellant's UK pastor (at page 61 of the appellant's bundle) was not referred to specifically in the determination but is in very general terms and gives no detail to explain why the Pastor made the comment he did about the appellant's faith. It was not my view that against the credibility findings as a whole that failure to refer to this letter specifically was something that could have made a material difference to the credibility finding on the appellant's Pentecostal faith even if it was weighed at its highest. It does not purport to say anything about her claimed Eritrean nationality.
7. I therefore found no error in the adequacy of reasoning in the credibility finding of the First-tier Tribunal. It was not argued before me that those findings were perverse and nothing about them indicated to me that they were otherwise unsound.
8. Where the appellant was not found to have made out a claim to be of Eritrean nationality there was no requirement for the First-tier Tribunal to

assess, in the alternative, whether there would be a risk on return if she had been found credible. Grounds 1 and 5 must fail where that is so.

9. Ground 2 argues that even if the First-tier Tribunal credibility findings stand, the judge applied the wrong standard of proof when finding that the appellant was Ethiopian. The difficulty with that submission is that the judge does not find the appellant to be Ethiopian. He records that as the respondent's view at [6]. Having found her not credible, he only comments at [23] that she had not made out a claim to face risk on return to Ethiopia "on any basis". Ground 3 argues that this was an incorrect assessment where the appellant claimed to be of Eritrean ethnicity and set out in her witness statement that she could not go to Ethiopia as she was not Ethiopian, would not be welcome, had no family there and would be detained and persecuted if returned there. That ground cannot succeed where the appellant's evidence as to being from an Eritrean family or of Eritrean nationality was not accepted and there being no other basis of any substance in the evidence to show that she would face mistreatment on return to Ethiopia.
10. In any event, even if the First-tier Tribunal had concluded in terms that the appellant is Ethiopian, it was my view that this was a sustainable finding even when the standard of proof applied is the balance of probabilities. The appellant's evidence as to Eritrean nationality was rejected and those findings not open to challenge. She has been found to speak Amharic, the language of Ethiopia and it is her own account that she spent most of her life and childhood in Ethiopia.
11. Ground 6 concerning significant obstacles to reintegration falls away where the appellant's own evidence is that she lived most of her life in Ethiopia and the finding that she has not shown that she was mistreated in Ethiopia by way of expulsion to Eritrea or in any other manner has been upheld.

Decision

16. The decision of the First-tier Tribunal discloses no error and shall stand.

Signed: 

Date: 27 April 2015

Upper Tribunal Judge Pitt