



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Numbers: AA/03856/2013

**THE IMMIGRATION ACTS**

Heard at Newport  
On 21 March 2014

Promulgated Sent

Before

MR C M G OCKELTON, VICE PRESIDENT  
UPPER TRIBUNAL JUDGE GRUBB

Between

HERVE PATRICE LOKO

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

**Representation:**

For the Appellant: Ms R Harrington, instructed by Gloucester Law Centre  
For the Respondent: Mr I Richards, Senior Home Office Presenting Officer

**DETERMINATION AND REASONS**

1. Although the matter is not entirely free from doubt, we treat the appellant as Herve Patrice Loko, a national of the Ivory Coast born on 8 September 1967. He claims that he has a fear of persecution in the Ivory Coast. That fear arises from his membership of the Adjoukrou ethnic group and his political activity and opinions.
2. The appellant says that although he has family in Abidjan, the capital of Ivory Coast, he is from Sassandra, a town in the south, where he was from 1998 onwards working as a school science teacher. He was a supporter of the then president Laurent Gbagbo and the local section of the Ivorian Popular Front. He had a secretarial role

in the organisation of the party, and took part in local activities promoting democracy and the struggle for the rule of law. As part of the difficulties his country suffered at that period, a neighbouring village was taken over by people from the north of the country, who were politically opposed to the Gbagbo. They threatened physical violence in order to silence the party's message, but the appellant, amongst others, refused to be silenced. He took the view that he was at risk of physical harm, which risk he thought would be all the more real because of his ethnicity: he therefore made arrangements to leave the country. Although the difficulties had begun in January 2004, his arrival in the United Kingdom was, he says, on 5 September 2004.

3. Having taken the trouble to travel to the United Kingdom, he did not claim asylum. He now says, however, that the president elected in 2010, Alassane Ouattara, is taking revenge against the supporters of Gbagbo, and that again his ethnicity will put him at risk of suffering from that policy, because southerners like himself are assumed to have supported Gbagbo.
4. The appellant's asylum claim was rejected by the Secretary of State, who on 7 April 2013 gave notice of a decision to remove the appellant as an illegal entrant. The appellant appealed, and in the First-tier Tribunal Judge B Lloyd dismissed his appeal in a determination sent out on 13 May 2013. The appellant now has permission to appeal to this Tribunal.
5. It is the appellant's task to establish his claim, and his principal difficulty in showing that he is telling the truth about the events he has described is his immigration history. As we have already indicated, he did not claim asylum on his arrival in 2004. That much is clear, and it is also clear that he was found in the United Kingdom, working illegally, in 2013 and it was then that he made his asylum claim. The Secretary of State's summary of what the appellant said about his history when he was arrested is as follows:

"When you were arrested in March 2013 you claimed that you: arrived in Germany 1986, married a German wife in 1987, Elaima KARMEN 17/05/68 (married for 7 years), live in Germany 1987-2005, obtained German passport in 2001 (now expired), obtained new passport in 2011 from a police station in Hamburg, came to UK in 2005 with German passport, resided at 11 Luhmenstrasse, 9371, Hamburg, Germany, you now [have] a second wife (Yvonne KOUAME 11/03/71 from Ivory Coast) who lives at the above address in Hamburg and she is pregnant. You further admitted to working at BPI Recycled Products in Stroud, Gloucestershire. A scanned copy of your EEA German identity card was eventually found and [on] examination by a competent forgery officer was found to be a forgery. You subsequently admitted your real identity and that you were not in fact a German national."

6. That is not the end of the matter, however, because, as the refusal letter also indicates, the Secretary of State has a record of his application for a visit visa, made in Germany in 1998, in his false German identity; and further applications, not using his false German passport but in his present claimed identity, in 2004 for a visit visa, which

was granted; later in 2004, whilst in the UK, for a student visa, which was refused; and, on 27 June 2005, again for a student visa, but this time the application was made from Accra. The Secretary of State has produced the application form relating to that application. It is clearly made in the appellant's present claimed identity. It asserts that he proposes to undertake a course at the Green Valley College in North London. It says that he will travel on an Ivory Coast passport issued in the Ivory Coast in August 2001, and it gives his address as the Lyceé in Sassandra, with a telephone number.

7. The Secretary of State has taken the view that the appellant was probably in Germany at the time he claims to have witnessed the events in the Ivory Coast which form the basis of his claim. Before the First-tier Tribunal Judge, however, the appellant produced material suggesting that he might indeed have been in the Ivory Coast at the relevant time. It does not appear that the appellant has ever been able to cast any doubt on the Secretary of State's records of his application for a visa from Accra in 2005, indicating that he was then in Ivory Coast.
8. The First-tier Tribunal Judge took the view that the appellant was wholly lacking in credibility. He regarded the appellant's claim as, as he put it:

“a hastily put together and last minute attempt to secure his further residence in the UK. ... He has relied on a carelessly constructed narrative of events which advances the case that he will be persecuted for isolated events which he says happened as long ago as January 2004. He claimed also to be the victim historically and prospectively of ethnicity discrimination because of his Adjoukrou origins. His account of being unable to make an asylum claim in the UK because he did not know or understand how to go about it is in my considered view sorely lacking in credibility. This is a man who has had the ingenuity of mind to construct a web of deceit with a view to his continuing and illegal residence in this country. He is by no means an intelligent man. Indeed if he is to be believed at all about his background he has worked as a teacher of physics and chemistry. The notion that he declined to make the claim for asylum because of guidance given to him by members of the ex-patriot Ivory Coast community in the UK is quite unbelievable.

If he was reticent to make a claim for asylum it was because he knew the overwhelming likelihood of his being exposed as a sham asylum claimant. ... His account to this Tribunal is a falsity.”

9. In these circumstances the judge did not make any full investigation into whether the events narrated by the claimant had in fact happened, or whether the claimant was at any risk arising from his ethnicity or perceived political opinion. It is for that reason that he now seeks permission to appeal against the determination: the grounds, and Ms Harrington's submissions, assert that the judge was bound to make findings as to the risk to the appellant, in particular that deriving from his ethnicity.
10. We agree with Mr Richards' submission that this is one of the unusual cases where the judge's disbelief of the appellant was so profound that hardly anything else

needed to be said. Whether or not the appellant was in Germany in 2002 to 2004, he appears to have been in Africa, and contactable at Sassandra, in 2005, which is after the date he now claims to have entered the United Kingdom with a fear of being persecuted in the Ivory Coast. Although of course he is not required to produce any corroboration for his claim, the position is that it does depend entirely on his word, and at every point where his word can be tested it has been found that he is not telling the truth. There is simply no basis for any assumption that he might be telling the truth about his history or activities in the Ivory Coast at any time.

11. In any event, there is no evidence that any incidents in Sassandra in 2004, or any political activities in 2004, would now expose the appellant to risk. There is no evidence that he is well-known or that his activities were such, or are thought to have been such, as to put him at risk of the revenge attacks which he claims have been happening since 2010. So far as concerns his ethnicity, as Ms Harrington accepted, there is no objective evidence of this ethnic group being in difficulty. The UNHCR's guidance emphasises the need for facts specific assessment of claims made on this basis, and the reports of such difficulties are vague in the extreme. In any event, there seems to be no reason why the appellant should not relocate to another part of the Ivory Coast, if he thinks that he is at risk in Sassandra.
12. As we have said, we think that this genuinely is a case where the whole of the appellant's claim falls away because he is wholly unbelievable about his history. But, even if there were some truth in the claim he has made, the evidence before the First-tier Tribunal Judge and before us falls far short of establishing that the claimant would be at any risk in the Ivory Coast at the present time.
13. We therefore dismiss the appellant's appeal.

### Anonymity

An anonymity order was made in the First-tier Tribunal. Such orders are routinely and properly made in asylum cases pending the determination of an appeal. In the present case there are no children involved. The result of the determination of the First-tier Tribunal and the Upper Tribunal is that the detailed facts claimed by the claimant are not shown to have any relation to the claimant's actual history. The claimant has no right to protection from public knowledge of his lies to the authorities and the Tribunal. We therefore discharge the order granting him anonymity.

C M G OCKELTON  
VICE PRESIDENT OF THE UPPER TRIBUNAL  
IMMIGRATION AND ASYLUM CHAMBER  
Date: 22 May 2014