



**Upper Tribunal
(Immigration and Asylum Chamber)
PA/05807/2018**

Appeal Number:

THE IMMIGRATION ACTS

Heard at Field House

On September 26, 2018

Decision

**&
Promulgated**

On October 8, 2018

&

Reasons

Before

DEPUTY UPPER TRIBUNAL JUDGE ALIS

Between

MR A M G

(ANONYMITY DIRECTION MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Saqib, Counsel, instructed by UK Law

For the Respondent: Mr Tufan, Senior Home Office Presenting Officer

DECISION AND REASONS

1. Pursuant to Rule 14(1) of the Tribunal Procedure (Upper Tribunal) Rules 2008 (the UT Procedure Rules) I make an order prohibiting the disclosure or publication of specified documents or information relating to the proceedings or of any matter likely to lead members of the public to identify any person whom the Upper Tribunal considers should not be identified. The effect of such an “anonymity order” may therefore be to prohibit anyone (not merely the parties in the case) from disclosing relevant information. Breach of the order may be punishable as a contempt of court.

2. The appellant is a national of Ethiopia. He claimed to have arrived in the United Kingdom on October 26, 2016 and he claimed asylum on October 25, 2017.
3. The respondent refused his application in a decision dated April 19, 2018 under paragraphs 336 and 339F HC 395.
4. The appellant lodged grounds of appeal on under Section 82(1) of the Nationality, Immigration and Asylum Act 2002 on May 3, 2018. His appeal came before Judge of the First-tier Tribunal Roots (hereinafter called "the Judge") on June 6, 2018 and in a decision promulgated on June 29, 2018 the Judge dismissed his appeal.
5. The appellant appealed this decision on July 13, 2018. Permission to appeal was granted by Judge of the First-tier Tribunal Hollingsworth on August 13, 2018.
6. No Rule 24 response was filed by the respondent.

SUBMISSIONS

7. Mr Saqib adopted the grounds of appeal and submitted the Judge had to decide whether the appellant was an Oromo and whether he was involved with the OLF. The appellant had provided identification documents and had not been cross-examined about them and whilst he accepted he had given incorrect answers in his screening interview Mr Saqib submitted that although the appellant's father was Oromo his stepmother was not which was why he was not fully informed. The appellant had undertaken several activities with the OLF and had answered questions in his interview. Mr Saqib submitted that the evidence from Dr Berri had not been properly considered and too much weight had been placed on his screening interview that took place the same day that he claimed asylum.
8. Mr Tufan submitted that the Judge had considered all the evidence. The Judge noted the appellant's inability to speak Oromo even though he lived in an area where Oromo was predominantly spoken. The Judge was entitled to place weight on the appellant's inability to answer questions about his culture. Whilst the screening interview was not meant to be an in-depth interview it was significant that he failed to mention in the screening interview, either at Q3.1 or Q4.1, his involvement with the OLF. The only problems he mentioned related to his father's role. At the beginning of his substantive interview he was asked to confirm if he was happy with his screening interview and he confirmed he was. During his substantive interview he was asked whether he was a member of the OLF (Q63) and he stated he was simply a supporter. With regard to the letter from Dr Berri he submitted that this was simply a letter from a member of the OLF and had been considered.
9. Mr Saqab conceded that the Judge had looked at the letter at paragraph 88 of the decision but had failed to place sufficient weight on it.

FINDINGS

10. The appellant had claimed asylum based on his ethnicity and involvement with the OLF.
11. Mr Saqab confirmed at the beginning of the hearing the issues that faced the First-tier Tribunal and submitted that the Judge had erred in his approach to the evidence and in particular the appellant's involvement with the OLF. He argued that too much weight had been placed on the appellant's screening interview.
12. In YL (2004) UKIAT 00145 the Tribunal noted that, whilst the answers given at a screening interview are expected to be true and may fairly be compared to answers given later, it is not appropriate at this stage to expect a detailed account of the applicant's asylum claim and account should be taken of the fact that the interviewee may well be tired after a long journey. These matters have to be borne in mind when considering inconsistencies between the screening interview and the later evidence.
13. In considering the appellant's application for asylum the respondent pointed out in the decision letter that there were inconsistencies between the appellant's screening interview and substantive interview with regard to his OLF activity and reference was made to Q3.1 and 4.1 of the screening interview.
14. The grounds of appeal challenged the approach taken by the Judge to the inconsistencies between the screening and substantive interviews but it is clear from reading the Judge's decision that the Judge was aware of the case law appertaining to the weight to be attached to a screening interview. Quite often decisions are challenged when an appellant failed to provide sufficient information about his claim in his screening interview but in this case the Judge made adverse credibility findings against the appellant because he failed to mention significant aspects of his claim both in respect of his ethnicity and his involvement with the OLF. At paragraph 70 the Judge noted that he had failed to mention he was a supporter of the OLF in his screening interview and confirmed at the beginning of his substantive interview that the answers given in his screening interview were correct. Moreover, the appellant failed to address this failure in his witness statement and simply claimed he was involved with the OLF. He also blamed the interviewing officer in his screening interview and claimed it was difficult to give detailed answers in his screening interview. The Judge considered the evidence at paragraph 76 and made findings that were open to him. The Judge was entitled to place weight on these omissions as they went to the heart of the appellant's claim. It was reasonable for the appellant to mention his support of the OLF in his screening interview.
15. The grounds criticised the Judge over the approach to the letter from Dr Berri. It was conceded in submissions that the Judge had considered the letter at paragraph 88 of the decision and I find the Judge highlighted inconsistencies between the letter and the evidence given by the

appellant. The findings reached at paragraph 89 of the decision were open to the Judge.

16. The grounds of appeal also took issue with the Judge's approach to his ethnicity. It was accepted that the appellant had answered questions incorrectly and the Judge considered his explanation why he spoke Amharic rather than Oromo at paragraph 67 of the decision. The letter from Dr Berri highlighted the influence that the appellant's parents had on the appellant and in rejecting his claim to be Oromo the Judge had regard not only to this letter but also to the evidence as a whole. The Judge concluded the evidence that the appellant was of Oromo ethnicity was weak and importantly, he had failed to answer a number of questions about his ethnicity and culture in his interview and whilst he had put forward an explanation at the hearing the Judge ultimately concluded he was not Oromo.
17. Having reached these findings, it follows his claim to be at risk through ethnicity and involvement with the OLF must fail and the final ground of appeal (paragraphs 23 of the grounds) has no merit.

DECISION

18. There is no error in law I uphold the original decision.

Signed

Date 30/09/2018



Deputy Upper Tribunal Judge Alis

**FEE AWARD
TO THE RESPONDENT**

Signed

Date 30/09/2018



Deputy Upper Tribunal Judge Alis