



**Upper Tribunal  
(Immigration and Asylum Chamber)  
PA/01474/2017**

**Appeal Number:**

**THE IMMIGRATION ACTS**

**Heard at Birmingham Employment  
Centre  
On 12 December 2017**

**Decision & Reasons  
Promulgated  
On 19 December 2017**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE MCCARTHY**

**Between**

**HH  
(ANONYMITY ORDER CONTINUED)**

Appellant

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr R Martin, instructed by Duncan Lewis & Co Solicitors  
For the Respondent: Mr D Mills, Senior Home Office Presenting Officer

**DECISION AND REASONS**

1. The appellant was born on 29 March 1986. She claims to be a citizen of Eritrea, but in a decision and reasons statement, First-tier Tribunal Judge N Lodge decided she had not shown that she is Eritrean.
2. The appellant claims to have a complex upbringing. She says she was born in Eritrea but before she was one year's old, her parents took her to Ethiopia. She lived there until 2000, when she says she was deported to Eritrea. She remained in Eritrea until 12 December 2002, when she fled aged 16 and went to live in Sudan. In 2010, she moved to Turkey, where she stayed until 2015. Then she moved across Europe, passing through

Greece, Hungary, Austria and France, before reaching the UK on 14 October 2015.

3. Although the appellant was legally represented at the hearing before Judge Lodge, she was not legally represented when she applied for permission to appeal to the Upper Tribunal. Her initial application was refused by First-tier Tribunal Judge Nightingale, but her application direct to the Upper Tribunal succeeded. Permission to appeal was granted by Upper Tribunal Judge Plimmer on 20 September 2017.
4. Mr Martin relied on the grounds, which although settled by the appellant have the appearance of being drafted by someone with knowledge of this area of law. The grounds are summarised by Judge Plimmer in her grant of permission. "It is arguable that the First-tier Tribunal failed to take into account the appellant's claimed chronology that she was born in Eritrea but went to Ethiopia at a young age before being returned to Eritrea, and the impact this might have on her linguistic abilities."
5. Mr Martin argued that Judge Lodge failed to consider the appellant's background in sufficient depth to make his findings reliable. He argued that Judge Lodge failed to engage with the entirety of the appellant's account, and how it might explain her fluency in Amharic and her limited ability in Tigrinya. He submitted it was plausible that the appellant would have been able to continue using Amharic when in Eritrea between 2000 and 2002 because of the number of people like her who were deported from Ethiopia.
6. Mr Mills responded by reminding me that Judge Lodge was fully aware of the appellant's personal history, as recorded from paragraph 9 of the decision and reasons statement. The issue identified by Judge Lodge was not that the appellant was not exposed to the Tigrinya language because of her absence from Eritrea. Judge Lodge found that the appellant's account was not reliable because she although said her father and mother spoke Tigrinya as their first language, and although her father supported Eritrean independence, she could not explain why her parents had not ensured she learned the national language. Her rudimentary ability in Tigrinya was evidence that her account was not reliable.
7. Mr Mills also said it was open to Judge Lodge to consider the background information about compulsory education in Eritrea and the appellant's inability to give a plausible account of why she did not go to school. Mr Mills also reminded me that Judge Lodge had found the appellant's two witnesses to be unreliable, and those findings are not challenged.
8. As I indicated at the end of the hearing, I find no legal error in Judge Lodge's decision and reasoning. I am satisfied Judge Lodge properly assessed the evidence presented. He was very aware of the appellant's background and focused on what she has stated about her father. As Judge Lodge identified, there is a fundamental contradiction between what the appellant said about her father's language skills and involvement in Eritrean independence, and her own poor ability in Tigrinya. The contradiction undermines the entirety of her claim. That finding was properly made by Judge Lodge and does not contain any legal error.

9. There was no need for Judge Lodge to set out in detail every part of the appellant's chronology. The fact he focused on the issues on which he based his decision does not mean he ignored parts of the appellant's account. It is trite law that a judge does not have to recount every piece of evidence or make findings on periphery matters.
10. In reaching this conclusion I am aware that Judge Lodge had other reasons for rejecting the truthfulness of the appellant's account. Her witnesses failed her, suggesting that her account was not truthful.

### **Decision**

There is no legal error in the decision and reasons of Judge Lodge and I uphold his decision.

The appellant's appeal to the Upper Tribunal is dismissed.

### **Order regarding anonymity**

I make the following order. I prohibit the parties or any other person from disclosing or publishing any matter likely to lead members of the public to identify the appellant. The appellant can be referred to as "HH".

Signed  
2017

Date

12 December

Judge McCarthy  
Deputy Judge of the Upper Tribunal