

## **IMMIGRATION APPEAL TRIBUNAL**

AA (Somalia) [Expert evidence, assessment) Somalia [2004] UKIAT 00221

Heard at: Field House  
On: 2 August 2004  
Prepared: 4 August 2004

Determination notified  
.....12<sup>th</sup> Aug 2004.....

Before:

**Mr L V Waumsley (Vice President)**  
**Mr J R W D Jones**  
**Mrs R M Bray JP**

Between

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

and

**Respondent**

### **DETERMINATION AND REASONS**

For the Appellant: Mr J Morris, Home Office Presenting Officer  
For the Respondent: Miss S Davies of Mangala & Co, solicitors

1. The appellant ("the Secretary of State") appeals with permission against the determination of an adjudicator (Mr I J French), sitting in Birmingham, in which he allowed on asylum and human rights grounds the appeal of the respondent ("the claimant"), a citizen of Somalia, against the Secretary of State's decision to give directions for his removal from United Kingdom after refusing an application for asylum made by him.
2. The claimant arrived in the United Kingdom in May 2003. He applied for asylum on the following day. The grounds on which he did so were that he was a member of the minority Bajuni clan from Koyama, an island adjacent to the southern coast of Somalia. As such, he claimed, he would be at risk of persecution if he were to be returned to Somalia.
3. The Secretary of State did not dispute the claimant's assertion that he was of Somalia nationality. However, he rejected the claim that he was

a member of the Bajuni clan. The principal issue before the adjudicator was therefore whether the claimant was in reality a member of the Bajuni clan. The adjudicator concluded that he was. He therefore allowed the appeal on both asylum and human rights grounds for that reason. The issue before us is whether he was right to do so.

4. In his submissions, Mr Morris, who appeared for the Secretary of State, argued that in accepting the claimant's assertion that he was a member of the Bajuni clan, the adjudicator had attached undue weight to the statement of Mr Brian Allen referred to at paragraphs 18 and 20 of his determination. This is the statement dated "August 2003" which appears at pages 22 and 23 of the claimant's bundle. In that statement, Mr Allen had expressed his views regarding the Report on minority groups in Somalia produced by the joint British, Danish and Dutch fact-finding mission to Nairobi, Kenya which took place between 17 and 24 September 2000.
5. However, Mr Morris submitted, there was nothing in the statement to show that Mr Allen was qualified to express an expert opinion on the question of minority groups in Somalia. In particular, he had included no biographical details in his statement. At the start of the hearing before us, Miss Davies, on behalf of the claimant, sought leave to adduce a copy of Mr Allen's curriculum vitae. Mr Morris waived objection to the late service of that evidence. Nevertheless, he submitted that there was nothing in the CV to show that Mr Allen had any particular knowledge regarding the position of minority groups in Somalia. He had never spent any time in Somalia, and had had no direct experience of the Bajuni people in Somalia itself. For these reasons, he argued, the adjudicator had attached undue weight to Mr Allen's statement.
6. We then heard submissions from Miss Davies on behalf of the claimant. She argued that if Mr Allen's CV had been included in the evidence placed before the adjudicator, we would not be here today. She referred us to the Secretary of State's own Operational Guidance Note relating to Somalia (Version 6) issued in May 2004 which states at paragraph 5.4.1:

"There are a number of Somalia experts who submit reports in support of applications (most commonly at the appeal stage). There is (sic) no specific criteria by which an individual may declare themselves (sic) to be a Somalia expert; while some experts clearly do have considerable knowledge regarding many aspects of the country the expertise of others relates to specific issues".
7. She submitted that there were no precise criteria for determining whether or not a particular individual could properly be regarded as an expert. Mr Allen's CV disclosed that he had spent a total of 21 years in East Africa. In addition, he had displayed a detailed knowledge in his statement. It would be unfair, she argued, to penalise the claimant because of his solicitors' failure to put a copy of Mr Allen's CV before the adjudicator.

8. With respect to the adjudicator, we are bound to say that Mr Morris was right in his submission that the adjudicator attached undue weight to Mr Allen's statement. An adjudicator should not accept without question the opinions expressed by an individual merely because he himself claims to be an expert on a particular subject. It is not sufficient for an individual simply to assert that he is an expert, or to express opinions unsupported by proper sources and reasons. Instead, an individual purporting to give an expert opinion must demonstrate that he is in reality an expert in relation to those matters on which he is expressing his opinion, and that he has current and reliable knowledge as to those matters, e.g. if he is expressing opinion regarding the country conditions in a particular country.
9. In addition, he must identify with sufficient particularity to enable their weight to be assessed properly by an adjudicator the sources of his information, and must also give proper, intelligible and adequate reasons for arriving at the conclusions expressed by him. Adjudicators should exercise particular care in assessing what weight may properly be attached to the views expressed by an individual whose opinions are adduced on a regular basis, whether before adjudicators or this Tribunal, so as to ensure that he has not allowed his views to be influenced, even unconsciously, by the hope or prospect of receiving further instructions of a similar kind in the future.
10. Turning to the question of Mr Allen himself, there was nothing in his statement to show that he was qualified to express an expert opinion regarding the situation of the Bajuni people in Somalia, apart from a bare reference in the third paragraph of his statement to "Following my work researching and working with the Bajuni peoples", and a further reference at paragraph 5 of his statement to "My research into the Bajuni". He provided no further information in his statement as to the nature of that "research".
11. The claimant's solicitors have now produced a copy of Mr Allen's CV which discloses that between 1968 and 1979, he was employed as a teacher and researcher into African music in Kenya, and that between 1990 and 2000, he was engaged in AIDS education and leadership training in Tanzania. He has never lived in or, it would appear, even visited Somalia. He now lives in Leeds, where for the last two years he has been working as a community education lecturer in music for people with learning difficulties, although he does state that he has also acted as a Swahili interpreter for asylum seekers and refugees.
12. In light of those facts, we are far from persuaded that Mr Allen was properly qualified to express an expert opinion regarding the situation of the Bajuni people in Somalia. Possibly, that may be the case. However, it does not appear to be so from the details contained in either his original statement or in his subsequent CV. In the circumstances, we

are satisfied that Mr Morris was right in his submission that the adjudicator erred in attaching undue weight to Mr Allen's statement.

13. Unfortunately, that is not a matter which we ourselves are in a position to rectify as we have not heard the claimant giving oral evidence, and are therefore in no position to assess the truth or otherwise of his evidence in light of the opinions expressed by Mr Allen. As a consequence, we are left with no alternative save to remit this appeal for a fresh hearing before another adjudicator so as to enable a proper assessment to be carried out, both in relation to the claimant's own evidence and the opinions expressed by Mr Allen.
14. This appeal is therefore allowed to the limited extent that it is remitted for a fresh hearing before an adjudicator other than Mr I J French.

Signed

Dated