



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: PA/03536/2017

**THE IMMIGRATION ACTS**

Heard at Field House  
On 19 April 2018

Decision & Reasons Promulgated  
On 16 May 2018

Before

DEPUTY UPPER TRIBUNAL JUDGE CHAPMAN

Between

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

v

RT

Respondent

**Representation:**

For the Appellant: Mr. T. Melvin, Senior Presenting Officer  
For the Respondent: Mr. I. Komusanac, Igor & Co solicitors

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**DECISION & REASONS**

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1. The Respondent is a national of Cameroon, born in January 1985. He last arrived in the United Kingdom on 21 February 2013 and was granted further leave to remain until 24 November 2015. This leave was curtailed due to the fact that the licence at his college was revoked but he was granted further leave until 4 October 2016. The Appellant claimed asylum on that date, on the basis of a feud with the elders of his village, as a result of his bringing a court case which found in his favour as his father's rightful heir. The Respondent received death threats after the Court decision in 2009 and was attached in March 2010 resulting in hospitalisation. He was advised to come to the United

Kingdom but on his return to Cameroon in February 2012 he was again attacked and injured as a result of which he relocated to Soa for 7 months and applied to return to the United Kingdom. On Christmas Eve 2012 his sister was raped by individuals seeking him. The Appellant relocated to Biteng and returned to the United Kingdom in February 2013. He stated that he had sought police help but nothing was done. His mother has been missing since June 2016.

2. The asylum application was refused by the Secretary of State in a decision dated 27 March 2017. He appealed against that decision and his appeal came before First tier Tribunal Judge Saunders for hearing on 13 November 2017. In a decision promulgated on 20 December 2017 the appeal was allowed. The Secretary of State sought permission to appeal, in time, on the basis that the Judge had erred materially in law in failing to give adequate reasons for the findings on internal relocation and sufficiency of protection and the Appellant's credibility. Permission to appeal to the Upper Tribunal was granted in a decision dated 6 February 2018 by First tier Tribunal Judge Ford solely in respect of the first ground of appeal.

### *Hearing*

3. At the hearing before me, Mr Melvin on behalf of the Secretary of State submitted that the Judge's finding at [32] concerned the issue of internal relocation and found that it would neither be reasonable nor safe for the Respondent to internally relocate, without revealing his whereabouts. He submitted that the Judge has not addressed the issue of relocation to Douala and that there had been no consideration of whether particular tribesmen would seek him out in Cameroon and whether elders of the tribe have any power outside the home area. Mr Melvin submitted that the Judge's findings on reasonableness are legally flawed on this particular point. He submitted that no reasons had been given as to why the Respondent cannot re-establish himself, given that he has considerable assets in Cameroon and a considerable length of time has passed – 5 years – since the attempt by the tribe to murder him. He submitted that little reason has been given why this should not be included in the assessment of internal relocation and sufficiency of protection. He submitted that the police in the capital may behave differently if the Respondent sought protection from them but the Judge's consideration is confined to the home area. Mr Melvin submitted that this is a material error and the Judge has not considered properly internal relocation. He further submitted that there are numerous cities of over 1 million people and this was not considered by the Judge.

4. In his submissions, Mr Komusanac relied on his skeleton argument and submitted that at [32] the Judge made sustainable findings of fact. She accepted the evidence the Respondent provided, including the fact that he is the legal heir to his father and relocated within Cameroon three times and

was not able to relocate safely. The Judge further considered the medical evidence the Respondent provided and found that the evidence of the Respondent was consistent with his claim. He submitted that the test was that set out in Januzi [2006] UKHL 5 i.e.. would it be unduly harsh to expect him to internally relocate. On that basis the Judge made sustainable findings of fact that it would not be reasonable. Mr Komusanac submitted that in the far north of the country there were kidnaps of civilians [B1 page 74] and that the Respondent had no social network outside the area and would have no access to accommodation. The Respondent's evidence was that he would not be able to live in Douala and the Judge at [32] found that if the Respondent went to manage or use his assets he would be at risk there. If he would be unable to do that they he could not use family assets, given that his assets are in the Yaounde area broadly. Mr Komusanac submitted that the Judge found that the Respondent could not have a relatively normal life without undue hardship and that the appeal by the Secretary of State should be dismissed.

5. In reply, Mr Melvin submitted that all the major cities are in the south of Cameroon and there was no evidence of Boko Haram burning down the buildings in those cities. He submitted that the Respondent would have access to wealth via his grandmother. He reiterated that the Secretary of State's position is that he could internally relocate to another city in the south and that there was a lack of consideration of sufficiency of protection or internal relocation to Douala in the Judge's decision.

6. I reserved my decision in order to consider the evidence before the First tier Tribunal Judge.

### *Findings*

7. Having considered the evidence upon which the findings of the First tier Tribunal Judge were based, I find no error of law in her decision and reasons.

8. Whilst the focus of the submissions before me was in respect of the adequacy of the reasons for finding that it would not be reasonable or safe for the Respondent to internally relocate, the grounds of appeal also raise the issue of sufficiency of protection, specifically that at [31] the Judge failed to identify the range of influence the Bamileke tribe are understood to have and presumes that the Respondent would be unable to seek any effective protection in the entirety of the country.

9. At [31] the Judge accepted the Respondent's evidence that he had sought protection from the police in respect of threats of harm and actual harm and that, in her view, no reasonable steps were taken to either further investigate the attempts against him or the attack against his sister, or even to respond to the complaint of inactivity that he subsequently made. She also found that the Respondent had provided details of those he suspected – the tribal elders –

but this was not followed up by the police. The Judge found that the absence of any attempt to investigate any of the matters reported was significant and that this was confirmed by both lawyer and police letters. The Judge further found that it was reasonable for the Respondent to conclude that the police were not willing to assist him. She noted that the background evidence (USSD 2006, Bundle B1 at page 23) makes clear that the police are corrupt and that the Respondent's evidence was broadly consistent with the background material.

10. The Judge found the Respondent's evidence to be credible, in the context of both specific evidence and the background country materials. No successful challenge has been made to her credibility findings and I find that the reasons provided for finding that there would not be sufficient protection for the Respondent if returned to Cameroon were perfectly adequate. I do not consider the fact that the Judge made no express reference to the range of the Bamileke tribe to undermine the safety of her findings, given her finding that the police generally in Cameroon are corrupt and had on a number of occasions in the past failed to even attempt to investigate his complaints.

11. Moreover, the issue of sufficiency of protection is inextricably entwined with that of internal relocation and whether there is an area of the country to which the Respondent might reasonably be expected to relocate where he would not be reasonably likely to be traced by elders of the Bamileke tribe. The Judge dealt with this issue at [32] of the decision, where she correctly directed herself as to the law. She took into consideration the fact that the Respondent's family and business interests are all located in the area around the capital, Yaounde and his previous attempts at relocation had taken place "*within this broad area, from Mbalmayo to Ekie, then to Soa and then to Biteng.*" The Judge went on to find that the durability of any future relocation was undermined by the fact that in his previous attempts at relocation he was eventually found. She further found that the fact that his assets and family members are in this area would reasonably draw the Respondent back there and eventually reveal his whereabouts and that it was his management and use of those assets that had given rise to the risk in the first place and it was not reasonable for him to abandon these in order to avoid future risks.

12. I find that, contrary to the assertions in the grounds of appeal, that the First tier Tribunal Judge gave adequate reasons for her finding that it would not be safe or reasonable to expect the Respondent to internally relocate. I am also mindful of the recent Court of Appeal judgment in MD (Turkey) [2017] EWCA Civ 1958, where Lord Justice Singh held *inter alia* as follows:

*"26. The duty to give reasons requires that reasons must be proper, intelligible and adequate: see the classic authority of this court in Re Poyser and Mills' Arbitration [1964] 2 QB 467. The only dispute in the present case relates to the last of those elements, that is the adequacy of the reasons given by the FtT for its*

*decision allowing the appellant's appeal. It is important to appreciate that adequacy in this context is precisely that, no more and no less. It is not a counsel of perfection. Still less should it provide an opportunity to undertake a qualitative assessment of the reasons to see if they are wanting, perhaps even surprising, on their merits. The purpose of the duty to give reasons is, in part, to enable the losing party to know why she has lost. It is also to enable an appellate court or tribunal to see what the reasons for the decision are so that they can be examined in case some error of approach has been committed.*

*27. In the present case, in my view, it was tolerably clear why the FtT decided the case against the Secretary of State as it did...*

*35. I have come to the view that it was the UT which fell into error. It should not have interfered with the decision of the FtT, even if it disagreed with the reasons of the FtT or perhaps found them surprising. They were in the circumstances of this case adequate so as to comply with the requirements of the legal duty to give reasons. There was therefore, in my view, no material error of law made by the FtT, and the UT was wrong to set its decision aside."*

*Decision*

13. For the reasons set out above, I find no errors of law in the decision of First tier Tribunal Judge Saunders, which I uphold. The appeal by the Secretary of State is accordingly dismissed.

*Rebecca Chapman*

Deputy Upper Tribunal Judge Chapman

11 May 2018