



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: AA/09924/2014

THE IMMIGRATION ACTS

Heard at Glasgow
On 23rd November 2015

Decision & Reasons Promulgated
On 2nd December 2015

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

RLM

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mrs S Farrell, of Peter G Farrell, Solicitors

For the Respondent: Miss S Aitken, Senior Presenting Officer

DETERMINATION AND REASONS

1. This determination should be read along with the decision by Upper Tribunal Judge Dawson and Deputy Upper Tribunal Judge Hutchinson, dated 18th September 2015, setting aside a determination by First-tier Tribunal Judge Burns, promulgated on 19th February 2015, which dismissed the appellant's appeal against the respondent's refusal of asylum on 6th November 2014.
2. The UT's decision of 18th September 2015 at paragraph 16 noted the lack of country information "needed to decide what the risks are faced by members of the SDF at the

present time (the relevant country guidance case having been decided in 2007) and more pertinently the risks, if any, faced by family members of those involved with SDF". Paragraph 19 directed parties to file no later than fourteen days before the resumed hearing updated bundles to include any background country information which might address the issues identified at paragraph 16. Skeleton arguments were also to be provided.

3. Neither party provided a skeleton argument.
4. There was filed on behalf of the appellant an inventory of productions which incorporates relevant materials from previous hearings. Included are the US State Department Report on Cameroon for 2013, published on 27th February 2014, and the US State Department Report for 2014, published on 21st June 2015. It was common ground that there is no significant difference between those two reports. The appellant also provides a news report of 25th May 2015 from Voice of America, entitled "Cameroon opposition party [the SDF] celebrates 25th anniversary", 25th May 2015. This relates that from a total of 43 in the 180 member parliament in 1997, the number of SDF seats has dropped to 16. The party celebrates "the liberty and freedom of speech it has brought to Cameroon since its creation in 1990". It also criticises its leadership for its relative decline.
5. Mrs Farrell explained that she had been unable to obtain any more up-to-date information about the situation in Cameroon for members of and associates with the SDF. An expert had been identified from the School of African Studies in London, but she had indicated about ten days prior to the hearing that due to unexpected family circumstances she was unable to complete her report in time. Mrs Farrell had asked when the expert might be able to complete her report or if she could nominate anyone else in a position to do so, but she had no response. Mrs Farrell sought an adjournment.
6. The respondent said that the appellant had had ample time to prepare, and did not agree to an adjournment.
7. I declined to adjourn. The appellant has had a long time to prepare. Although the country guidance is eight years old, if there were any greater difficulties arising from SDF membership it should not be difficult to find evidence without the assistance of an expert from generally available reports by human rights and news organisations. The appellant's representatives have been able to find some quite specific information (after mentioned) bearing on her case, without expert involvement. There was no indication that even if a delay were to be permitted a report might be available, or any indication of a timetable. In the circumstances, it was appropriate to determine the case on available evidence.
8. *FK (SDF member/activist – risk) Cameroon CG [2007] UKAIT 00047* was promulgated on 21st May 2007. The Asylum and Immigration Tribunal held thus:

"In the light of the evidence currently available, membership of or actual or perceived involvement with the SDF at any level is unlikely by itself to give rise to a real risk of

persecution; but some prominent and active opponents of the Government in Cameroon may, depending on their particular profile and circumstances, continue to be at risk.”

9. The appellant says that her father was a police officer in Cameroon and at the same time a member of the SDF, which the Government prohibits. She first became aware of problems in this respect around the end of 2011 and early 2012, when there was hostility in the neighbourhood. The Government issued a warrant dated 5th June 2013 for the arrest of her father for “active participation in political meetings of the opposition party, which officers of the National Police Force are forbidden by law to do”. This appears to have been issued by post, to the family household; a copy and translation are produced. The appellant’s father continued to go to work (or at least to leave the house in the morning and return in the evening). On a date early in February 2013 the military came to the house at around 2.00 a.m. and took him away. Within 2 days the appellant and her mother had to move out of the police house in Douala where they had lived. Her mother took her to a village “quite far away”, called Yabassi. She had been studying biochemistry at university, but had to stop attending. In the village a man aged about 70 wished to take the appellant as his fourth wife. He threatened that if refused he would tell the police where they were hiding. This man ill-treated the appellant by cutting her hair and rubbing a hot stone against her breasts. Her mother took her to Douala saying they were going to buy her wedding dress, but the following day they went to the airport and travelled to the UK. They stayed with her brother in Scotland, where he was a student. Her mother returned to Cameroon. The appellant sought asylum.
10. The claim based on the risk that the appellant might become a victim of forced marriage has properly been abandoned in course of proceedings. This is not because the appellant now says that part of her account is untrue, but because although there is background evidence of such practices against young girls in Cameroon, such risk could be avoided by internal relocation.
11. The appellant now claims to be at risk of persecution on the basis only of imputed political opinion.
12. That claim fails even “taken at highest”. There is no evidence, apart from the appellant’s rather vague statement, to support the contention that children of police officers who voted for opposition parties were kidnapped by the Government. I consider that if such events took place and were reported in the news in Cameroon, as she says, those reports would have been before the tribunal. There is no evidence to support the proposition that the appellant might be of adverse interest to the Government for her association with the SDF through her father. Notably, on her own account, her travel to the UK was not principally based on such fear. The main reason that she gave for her mother taking her here was to escape the proposed forced marriage.
13. In any event, I did not find the appellant’s evidence persuasive, even to the lower standard of proof, for the following reasons.

14. The search carried out by the appellant's representatives for background evidence helped her on two points. Item 3 of the appellant's inventory is excerpted from the Cameroon Government website, where legislation is published. Decree 2001/065, 12th March 2001, on the special status of civil servants provides by Article 29 that members of the police force are not permitted to join "any groups or associations which are political in nature". Article 30 prohibits participation in meetings which are political in nature. Under Article 135(1) detention under a judicial warrant brings about a temporary cessation of employment, and entails a loss of salary for the detained employee, but with the exception of family benefits. This effectively counters the point made by the respondent at paragraph 19 of her decision, that evidence of payment of the salary of the appellant's father into his bank account up until 29th July 2013 was inconsistent with the claim that he had been detained. The appellant also cites relevant background information on forced marriage and the cultural practice of suppressing young girls' breasts (although this aspect of retarding female development is not particularly consistent with the same man's interest in her for marriage).
15. Those features were in the appellant's favour. However, I found her evidence generally weak, evasive and inconsistent. For example, she variously said that she became aware that the intention of the trip to Douala was not to buy a wedding dress (a) in Douala; (b) en route, Brussels; and (c) once in the UK. She said that she and her mother fled to Yabassi and remained there from around January to July 2013, yet her mother was still being paid her full salary as a nurse up until July 2013. The appellant is recorded as having applied for a visa in person at the High Commission in Yaoundé on 30th July 2013, having previously been granted a visit visa which she did not use, but says she knew nothing about the second application. This cannot be explained away. The appellant is caught out by the part of her story where she says she did not know that she was going to the UK, which in turn forces her to deny the obvious fact of her visit of the High Commission. She contradicts herself over whether her mother stayed with her in the UK for only two or three days or for a month; a minor matter, but another adverse sign. She could give no sensible explanation of why she has no further knowledge of her mother since parting from her in the UK, why her brother would not wish her to try to communicate with her mother, or why her brother did not attend to give evidence as a witness. Of course he was not in Cameroon when claimed events took place, but evidence in tribunal proceedings is not only first hand. He must have been able to explain family circumstances and communications among family members. He made an asylum claim also arising from their father's claimed political problems but it was refused, although he was granted discretionary leave to remain (apparently on the basis of having a partner here and a UK citizen child). There is no sensible explanation of why the Government would post an arrest warrant to the appellant's father and follow this up by arresting him in the early hours at home some three or four weeks later. There would be no reason to give him advance notice. He could easily be found without warning him in advance either at his home or at his regular place of work.

16. The appellant is young and was a minor when she provided initial information, but she is highly intelligent. She took her school final exams early and commenced university studies in biochemistry at the age of 15. The reason her story made little sense was not because she was at any disadvantage in telling it.
17. In summary: on the most charitable view of the appellant's evidence, it does not support her case of risk on account of imputed political opinion on return to Cameroon. Her appeal therefore fails. In any event, her account is not a reliable one, even to the lower standard of proof.
18. Neither party addressed me on the question of an anonymity order, so the one which has been made by the First-tier Tribunal remains in place.
19. The determination of the First-tier Tribunal, as explained above, has been **set aside**. The reasons for doing so should be read as if incorporated herein. The following decision is substituted: the appellant's appeal, as originally brought to the First-tier Tribunal, is **dismissed on all available grounds**.



Upper Tribunal Judge Macleman

25 November 2015