



IAC-BH-PMP-V1

**Upper Tribunal
(Immigration and Asylum Chamber)**

Appeal Number: AA/01078/2014

THE IMMIGRATION ACTS

**Heard at Bennett House, Stoke
On 8th October 2014**

**Decision & Reasons Promulgated
On 31st October 2014**

Before

DEPUTY UPPER TRIBUNAL JUDGE GARRATT

Between

**DANIEL BISONE MENGOT
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms F Anthony, Solicitor, of French & Company
For the Respondent: Mr A McVeety, Senior Home Office Presenting Officer

DECISION AND REASONS

Background

1. On 7th July 2014 Upper Tribunal Judge Deans sitting as a Judge of the First-tier Tribunal gave permission to the appellant to appeal against the determination of Judge of the First-tier Tribunal Birrell in which she dismissed the appeal on all

grounds against the decision of the respondent to refuse asylum, humanitarian and human rights protection to the appellant an adult citizen of Cameroon.

2. In granting permission Upper Tribunal Judge Deans thought it arguable that the judge had not had regard to the appellant's evidence about why he believed an attack in 2010 was politically motivated. Further, the judge arguably had not taken account of past persecution in terms of paragraph 339K of the Immigration Rules when concluding that the appellant would not be persecuted in the future.
3. In the grounds it is also argued that the judge had given weight to an immaterial matter by noting that the appellant had left Cameroon using his own passport and encountered no difficulties. At paragraphs 47 and 48 of the UNHCR Handbook possession of a valid national passport should not be regarded as a bar to refugee status. Further, the grounds contend that the judge had failed to take into consideration that the appellant was unable to carry out his political activities after 2008 because of the trauma he had earlier suffered and so was wrong to conclude that he was of no interest to the authorities after that date.
4. At the hearing before me Ms Anthony confirmed that the appellant relied upon all of the grounds which she did not seek to repeat in any detail.
5. Mr McVeety submitted that the UNHCR Handbook had been misquoted in relation to the appellant's possession of a passport. The judge had also given copious reasons, despite the trauma suffered by the appellant, for the conclusion that the attack upon him in 2010 at his home was not politically motivated. Other reasons were also given in paragraph 57 for her conclusion that the appellant would not be at future risk of persecution and in assessing the credibility of the appellant's claims.
6. After hearing the submissions and having studied the determination, I announced that I was not satisfied that the decision showed an error on a point of law such that it should be re-made and my reasons for that conclusion now follow.
7. The ground criticising the judge's consideration of the appellant's ability to leave Cameroon with his own passport is misconceived. Paragraphs 47 and 48 of the UNHCR Handbook deal with the issue of whether or not possession of a passport can be considered as evidence of loyalty to a regime. In this appeal the judge was not wrong to comment (paragraph 56) on the appellant's ability to leave Cameroon using his own passport without encountering difficulties at the airport. The appellant had claimed that he was of interest to the authorities because of his political activity and so the judge was entitled to reach the conclusion that if he could leave the country without difficulty through public channels, the authorities had not marked him out as a person in whom they had any interest. I should emphasise that this was also only one of several reasons given by the judge for the conclusion that the appellant was not a person of any interest to the authorities and could be returned without the real risk of suffering serious harm.
8. The argument that the judge was wrong to conclude that there was no evidence that the appellant was of interest to the authorities after 2008 when he had been unable to carry out his political activities after that time because of the trauma he had suffered does not reveal a material error. If the appellant claimed that the attack

upon him at his home in 2010 was politically motivated this suggests that there was, in any event, a long-term interest on the part of the authorities in him whether or not he was able to carry out his political activities. The judge was entitled to refer to the lack of interest in the appellant from 2008 to 2010 as a relevant reason for concluding that the authorities were of no interest to him and that she could conclude, for that and other reasons, that the incident in 2010 was not politically motivated.

9. Although the judge does not specifically refer to the appellant's view that the 2010 attack was politically motivated because nothing was stolen, she gives several reasons which are, alone, sufficient to entitle her to conclude that the attack was not political. I have already mentioned the absence of any interest by the authorities from 2008. Additionally, the judge refers to the fact that the appellant's daughter identified the men or man who attacked the house as a thief and that the attackers did not identify themselves or say anything to the appellant or his wife which might serve to identify them as associated with the CPDM. The judge also refers to the fact that the appellant did not seek to bring his family with him to the United Kingdom despite the fact that his home containing his wife and daughter had been targeted. Additionally she appropriately takes into consideration that the appellant did not claim asylum in France, nor did he claim asylum on arrival in the United Kingdom coming as a short-term visitor instead and then trying to work using a false passport.
10. As to the contention that the judge erred by failing to recognise past persecution as a serious indicator of future persecution, paragraph 339K of the Immigration Rules contains the proviso that such past persecution may not be an indication of a well-founded fear of persecution in the future where there are good reasons to consider that such persecution or serious harm will not be repeated. The judge evidently gave significant reasons for concluding that there would be no serious harm to the appellant if returned now because of an absence of interest in him by the authorities. No error is shown in this respect.
11. Thus, the determination does not show an error on a point of law as alleged and can stand.

NOTICE OF DECISION

The determination of the First-tier Tribunal does not show an error on a point of law and shall stand.

Anonymity

Anonymity was not requested in the Upper Tribunal nor do I consider it appropriate.

Signed

Date: **31st October 2014**

Deputy Upper Tribunal Judge Garratt