



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

Appeal Number: AA/10343/2014

THE IMMIGRATION ACTS

**Heard at: Columbus House,
Newport
On: 19 October 2015**

**Determination Promulgated
On: 4 November 2015**

Before

DEPUTY UPPER TRIBUNAL JUDGE J F W PHILLIPS

Between

TERENCE NYANGA MANIH

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr S Vokes, Counsel instructed by Migrant Legal Project
For the Respondent: Mr N Diwnych, Home Office Presenting Officer

DECISION AND DIRECTIONS

1. This is an appeal against the determination of First-tier Tribunal Judge B Lloyd in which he dismissed the appeal of the Appellant, a citizen of Cameroon, against the Secretary of State's decision to refuse asylum.
2. The Appellant arrived in the United Kingdom on 20 August 2014 and claimed asylum on 22 August 2014. His application was refused by the Respondent on 14 November 2014. The Appellant exercised his right of appeal against this decision and this is the appeal that was

heard before Judge Lloyd on 11 March 2015 and dismissed. The Appellant's application for permission to appeal against the First-tier Tribunal Judge's decision was refused on 15 April 2015 by First-tier Tribunal Judge Grant-Hutchinson and on renewal to the Upper Tribunal was granted by Upper Tribunal Judge Blum on 12 June 2015 in the following terms

"The grounds, drafted by the appellant himself, contend that the Judge did not give sufficient reasons for his findings that the appellant would not be at risk in Cameroon, and failed to give consideration to the evidence before him, especially a letter from Southern Cameroons National Council (SCNC) Chairman. It was further submitted the Judge unlawfully took account of 'other people's past errors' with reference to an expert report.

The Judge's findings in relation to the asylum claim are contained in paragraphs 48 to 57. However, with the exception of the appellant's return to Cameroon in 2014, the Judge makes findings of fact but arguably fails to support those findings with any reasoned analysis. It is not consequently clear why the Judge reached the conclusions he did."

3. At the hearing before me Mr Diwnych appeared for the Secretary of State and Mr Vokes represented the Appellant. No additional papers were submitted.

Submissions

4. For the Appellant Mr Vokes said that the appeal was based upon the failure of the Judge to give adequate reasons for his decision. At paragraph 11 of the decision the Judge refers to the original documents produced by the Appellant including a letter from SCNC. Mr Vokes said that his first concern is that there is no finding either on this letter or upon the newspaper articles which are also referred to. If the letter comes from the SCNC chairman in Cameroon it is a very material. At paragraph 49 of the decision of the Judge refers "while he may have had some passing association with SCNC ..." and at paragraph 51 the Judge refers "he has hung on to a membership card which he somewhere or other acquired ...". So a positive finding is made that the Appellant had a membership card but this conflicts with the later findings. At paragraph 53 referring to the original documents the Judge says "I do not believe that they credible or authentic. He may have come by the party membership card easily and routinely." He adds "the only things that are genuine I believe are his Cameroonian nationality card and his university student card". At paragraph 54 the Judge refers to the two arrest warrants as having "an official looking stamp". No reason is given as to why the Judge nevertheless does not give any weight to these warrants. The fact that there is no finding at all on the newspaper articles or the letter is a massive hole in the analysis. At paragraph 55 no reason is given as to why "on this occasion" the Judge does not find the expert's report authoritative. He suggests it is outside the core expertise of the

expert without giving any indication of what the core expertise at the. Again at paragraphs 56 and 57 there is no reasoning for the Judge's adverse credibility findings.

5. For the Respondent Mr Diwnych said that it was up to the Judge to make what he could of the evidence but accepted that there are no absolute findings on the documents referred to by Mr Vokes.
6. I said that it was clear the decision contained material errors of law and could not stand and I reserved my written decision. Both advocates agreed that the proper course was to remit to the First-tier Tribunal for hearing de novo.

Error of law

7. The Appellant is a citizen of Cameroon who came to United Kingdom lawfully as a student. The Appellant claimed asylum on coming back to the United Kingdom having returned to Cameroon for a short period during the currency of his student visa. His claim is based upon a fear of persecution due to his political activities with the SCNC where he held the post of public relations officer. The Respondent refused the Appellant's claim on the basis that his account was not credible and that the documents produced in support of his account, other than his Cameroonian identity card and his UK university identity card, were not genuine.
8. At the hearing before the First-tier Tribunal the Appellant gave oral evidence and submitted a substantial appeal bundle. In dismissing his appeal the Judge found that the Appellant was not a credible witness (paragraph 49). However in making this finding the Judge does not give any discernable reasons for doubting his credibility. The Judge accepts that the Appellant may have had "some passing association" with SCNC as a young man but does not say what causes him to reach this conclusion diminishing the Appellant's claimed active role. He says that the account "may have a grain of truth in it but no more than that" but does not identify what that grain might be or why he does not believe the substance of the Appellant's account. Again the Judge finds that the Appellant's account is embellished but does not give reasons as to why he believes it to be embellished. The Judge does not believe the Appellant's account of "ongoing political activism" but not say why he does not believe this. The only reason given at any point for not believing the Appellant to be a credible witness is to be found at paragraph 52 where the Judge says that he does not believe that the Appellant would have returned to Cameroon for the 53rd anniversary celebrations of the SCNC is he really was a political activist of any profile. The Judge does not explain why he did not accept the Appellant's account that it was not until after his return to Cameroon that he found out there were arrest warrants outstanding against him.

9. Mr Vokes concentrated on the Judge's failure to make findings in respect of documents submitted in support of his claim. These submissions have merit. The Judge makes no findings in respect of the letter ostensibly from the chairman of the SCNC or the newspaper articles. The Judge's adverse findings relating to the party membership card and the arrest warrants have no basis other than the general adverse credibility findings which, for the reasons already given, are not adequately explained or reasoned. In short the Judge has not adequately explained why he has not found the Appellant's account to be credible.
10. In my judgment the First-tier Tribunal has not given adequate reasons for its findings on material matters. In particular the Tribunal has failed to give adequate reasons for adverse credibility findings and it has failed to engage with the Appellant's explanations in these respects in any meaningful way. These are material errors of law.
11. Due to the nature of the errors of law and in accordance with the President's direction it is appropriate for this matter to be remitted to the First-tier Tribunal for hearing de novo with no findings preserved.

Conclusion

12. The decision of the First-tier Tribunal involved the making of an error of law for the reasons set out above.
13. I set aside the decision of the First-tier Tribunal and in accordance with the President's direction this matter is suitable for and should be remitted to the First-tier Tribunal.

Signed:

Date:

**J F W Phillips
Deputy Judge of the Upper Tribunal**