



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

Appeal Number: PA/06668/2018

**THE IMMIGRATION ACTS**

**Heard at Field House**

**Oral decision given following hearing  
On 5 December 2019**

**Decision & Reasons  
Promulgated  
On 22 January 2020**

**Before**

**UPPER TRIBUNAL JUDGE CRAIG**

**Between**

**MS T  
(ANONYMITY DIRECTION MADE)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Mr O Sobowale, Counsel, instructed by Rodman Pearce Solicitors

For the Respondent: Mr C Avery, Senior Home Office Presenting Officer

**DECISION AND REASONS**

1. The appellant is a national of Cameroon who was born in 1979. She claims to have arrived in the UK in 2004 having left Cameroon some two years or so earlier and then travelled to Germany. She apparently claimed asylum in that country, which claim was refused in 2004 and she then travelled to the UK. In April 2011 she made an application for leave to remain on the basis of her human rights which was refused. Having been detained in May 2016, she alleged that she had been the victim of torture, whereupon

she was released from detention. Having then been refused leave to remain following a further human rights application and her appeal against this decision having been refused before a First-tier Immigration Judge in October 2017, she claimed asylum in October 2017.

2. This application also was refused in May 2018 and the appellant's appeal against that refusal was dismissed by First-tier Tribunal Judge Boylan-Kemp MBE in a decision and reasons promulgated on 29 May 2019 following a hearing at Nottingham Justice Centre on 11 April 2019. The appellant now appeals against that decision, leave having been granted by Upper Tier Tribunal Judge Sheridan on 23 September 2019. The basis upon which permission was granted was that at paragraph 32 of her decision (which concerned the risk which might be faced by a returning Anglophone to Cameroon) the judge had referred to the absence of country guidance concerning the risk faced by Anglophones in Cameroon and had referred to the conflict as being "two-sided". The judge had stated at follows at paragraph 32:

"I note that there is no country guidance on this issue, which indicates to me that the perceived risk to Anglophones in Cameroon is not viewed at present as being significant by the British government. The objective evidence before me demonstrates that there are difficulties in Cameroon but that this is two-sided, and that the focus of the attacks is more often schools or is targeted at separatists as opposed to being random violence that places all Anglophone's at risk".

3. The appellant's claim is that she is an Anglophone from Cameroon, that her daughter has been specifically threatened within that country insofar as the appellant had heard gunfire while she had been talking to her daughter and that her daughter had been treated as a refugee in school. She also claimed to have independent secessionist views but had not attended demonstrations because she did not want to be involved in sur place activities which might bring her to the attention of the authorities in Cameroon which might be recorded by the Cameroon authorities and used against her in the event that she returned to that country.
4. In support of her claim and in particular with regard to the conversations that she claimed to have had with her daughter the appellant stated that she had had emails from a friend, Yvette, who had helped her contact her daughter and obtain documents to Cameroon. However, she refused to allow the Tribunal to view these documents apparently due to the "personal and intimate" nature of their contents (see paragraph 20 of the First-tier Tribunal decision). As is well-known to practitioners in this jurisdiction, evidence such as this would be kept confidential by the Tribunal and I note that at the First-tier Tribunal (as in this Tribunal) the decision was and is anonymised. Furthermore, the appellant was represented by Ms Rutherford, who is well-known to this Tribunal as being an experienced and able advocate who would have advised the appellant, consistent with her duties, as to the importance of disclosing all material such as these emails in a case in which, if the appellant was genuine about her fears could be vital in preventing her being returned to a country

where she would be seriously at risk. Unsurprisingly, the judge did not accept her evidence and did not believe that she held the views she claimed to have held or even that she had a daughter in Cameroon. These adverse credibility findings are clearly sustainable in light of the evidence which was before the judge.

5. Accordingly, what the case boiled down to was whether or not, given an absence of credible personal information, the return of a possible Anglophone to Cameroon, in circumstances where that person had been in the UK for eleven years, would give rise to an arguable risk on return.
6. I say at the outset, and Mr Avery on behalf of the respondent does not seek to persuade the Tribunal otherwise, that the fact that there is no country guidance with regard to the perceived risk to Anglophones in Cameroon, does not mean that there is necessarily not a risk. This may or may not be regarded as being significant by the British government but what any judge needs to do in these circumstances in the absence of country guidance, is to consider whatever evidence is put before him or her. It is accepted on behalf of the respondent that there is violence within Cameroon and that certain Anglophones within Cameroon may be subject to considerable violence. There is certainly evidence that a number of people have been killed and also that a great number of people have been displaced.
7. However, it is accepted on behalf of the appellant, as it has to be that it cannot at present be said that every Anglophone returned to Cameroon would be at risk. Although hundreds of homes had been “torched” in Mr Sobowale’s words and civilians have been killed and very many people have been displaced, nonetheless there are areas within Cameroon where returning Anglophones can go which are not currently areas where Anglophones are attacked. Mr Sobowale suggested that if returned the appellant would have to go to an area within Cameroon under French control but he acknowledged that by virtue of the fact that there was an area or areas within Cameroon to which the appellant could return, he could not argue that her case could succeed under 15(c) on the basis of the risk of indiscriminate violence. The highest he could put the appellant’s case was that that may lead to trouble later because there may be suspicions as to the appellant’s beliefs.
8. The next difficulty that the appellant has in establishing that any error within the decision of the First-tier Tribunal was material is that Mr Sobowale was forced to concede, when asked if he could point to any evidence to the contrary, that there was no evidence before the First-tier Tribunal (and none before this Tribunal either) supporting a contention that any returning national of Cameroon is questioned at the airport as to whether or not he or she has Anglophone views. Even if (which the judge did not accept), the appellant had views which were not those of the government and which she could not be expected to lie about, there is no basis upon which it could be said that she would be asked what these views are.

9. Accordingly, although the absence of country guidance or a country guidance decision does not necessarily mean that there cannot be a risk, even had the judge analysed all the background material put before her in very great detail, she would still have been unable to find, on the basis of this material, that this appellant would be at risk on return. In light of the adverse credibility findings which were (given the appellant's refusal to allow the Tribunal to see material which she claimed to be relevant to her case) inevitable, her case was incapable of success. Any risk is entirely speculative and unsupported by evidence.
10. In these circumstances, there was no material error in the First-tier Tribunal's decision because on the basis of the evidence which was before her, and in light of her credibility findings, this appeal could not have succeeded.
11. It follows that this appeal must be dismissed and I so find.

### **Notice of Decision**

**The appellant's appeal against the decision of the First-tier Tribunal dismissing her appeal against the respondent's decision refusing her asylum, is dismissed.**

### **Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008**

Unless and until a Tribunal or court directs otherwise, the appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify her or any member of her family. This direction applies both to the appellant and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.

Signed:

A handwritten signature in black ink that reads "Ken Craig". The signature is written in a cursive style and is positioned above a light blue rectangular stamp.

Upper Tribunal Judge Craig  
2020

Date: 14 January