



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

Appeal Number: PA/11503/2017

**THE IMMIGRATION ACTS**

**Heard at Bradford**

**On 8<sup>th</sup> October 2018**

**Decision & Reasons  
Promulgated**

**On 23<sup>rd</sup> October 2018**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE D E TAYLOR**

**Between**

**PATRICK [N]  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Ms Adejumo, Victory Solicitors

For the Respondent: Mr Tan, Home Office Presenting Officer

**DECISION AND REASONS**

1. This is the appellant's appeal against the decision of Judge Mensah made following a hearing at Bradford on 8<sup>th</sup> December 2017.

**Background**

2. The appellant is a citizen of the Cameroon born on 28<sup>th</sup> June 1979. He arrived in the UK on 24<sup>th</sup> April 2017 and claimed asylum two months later. He said that he would be at risk on return, having been arrested on two

occasions, the first as a result of his line manager's refusal to display political material on behalf of the main political party in the Cameroon, the CPDM, and the second after an incident when he was involved with a number of friends criticising the government in a local bar and posting hostile messages about the government on social media.

3. The judge accepted the appellant's account of the first arrest in Kumba but not the second. She said that it lacked credibility, in the light of the appellant's experience following the first arrest, that he would openly criticise the government and post incriminating material of himself on the internet. He was not a political activist who felt compelled to risk his life to protest against the government but a drink sales person who had no interest in politics.
4. The appellant sought permission to appeal on the grounds, effectively, that the determination lacked reasoning. Having accepted the first arrest, the judge had not identified good reason why serious harm would not be repeated and had not engaged with the extensive evidence put forward by the appellant. Furthermore, she had failed to consider and apply the country guidance case of FK (SDF member/activist - risk) Cameroon CG [2007] UKAIT 0047 and had not considered paragraph 276ADE(i), (vi).
5. Mr Tan defended the determination. He submitted that the judge had accepted that the appellant would be at risk on return to his home area as a consequence of having had difficulty with the local governor there, but she was entitled to reject the evidence of the second arrest and to find that his actions were at odds with his previous experience.
6. Ms Adejumo relied on her grounds and submitted that the decision ought to be set aside.
7. I am persuaded that the judge did not give adequate reasons for her decision.
8. I have read the extremely detailed witness statements, the first of which runs to some 47 closely typed paragraphs over 11 pages, and the second 10 paragraphs over 3 pages. The judge accepted that the appellant's account was consistent with the country materials presented to her. She was also satisfied that he had given a credible account of being arrested in Kumba. However, in concluding that she could not accept the account of the second arrest she did not take account of all of the information put forward by the appellant.
9. She comes to the conclusion that the appellant would not have risked being critical of the government on the second occasion because of his experience of the first arrest. However, in the witness statement the appellant recounts having been at a party on one night and a bar on the second when there was a great deal of drinking and it was in this context that the messages/images were circulated through WhatsApp and Facebook.

10. At paragraph 22 she appears to criticise the appellant for not producing corroborative evidence when this is not required.
11. The inconsistencies she mentions at paragraph 23 relate in the main to issues of omission rather than commission.
12. Moreover the determination is brief. The judge does not set out the evidence in the witness statement nor the oral evidence. Given the above, I am satisfied that the criticisms made in the grounds of the judge's reasoning are made out.
13. The determination is set aside. It will have to be remade at a hearing before a different Immigration Judge other than Judge Mensah at Bradford.

No anonymity direction is made.

Deborah Taylor

Signed

Date 17 October 2018

Deputy Upper Tribunal Judge Taylor