



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

Appeal Number: AA/09487/2012

**THE IMMIGRATION ACTS**

**Heard at North Shields**

**Decision and  
Promulgated**

**Reasons**

**On 10 March 2015**

**On 9 June 2015**

**Before**

**UPPER TRIBUNAL JUDGE DEANS**

**Between**

**EM**

(Anonymity order made)

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Ms L Brakaj, Iris Law Firm

For the Respondent: Mrs H Rackstraw, Home Office Presenting Officer

**DETERMINATION AND REASONS**

1) The appellant was born on 6 July 1986. Her nationality is disputed. She claims to be a national of the Democratic Republic of Congo (DRC) but according to the respondent she is a national of Cameroon.

**Background**

2) An appeal by her was dismissed by Judge of the First-tier Tribunal Mark-Bell on asylum and human rights grounds. In a decision dated 3 December 2014 I set aside the decision of Judge Mark-Bell because it contained errors of law. As this decision has been issued to the parties already, I will not repeat its

contents at length here. I decided that the Judge of the First-tier Tribunal had not give adequate reasons for his findings in respect of both the disputed question of nationality and the medical evidence submitted. The judge did not engage with much of the reasoning in an expert report on nationality provided by Professor Seddon and did not take full account of evidence provided from Cameroon by Reverend N. Despite a considerable amount of new medical evidence being before the judge, the judge decided that the medical evidence was in substance the same as medical evidence lodged in relation to an earlier appeal in 2008. This was notwithstanding that there was significant new information which was not in the earlier reports.

- 3) Having set aside the decision of the Judge of the First-tier Tribunal, the hearing was adjourned for a further hearing before the Upper Tribunal for the purpose of re-making the decision. Accordingly the appeal came before me on 10 March 2015 for evidence to be heard and the decision re-made.
- 4) The appellant's immigration history is as follows. She arrived in the UK in 2007 and claimed asylum shortly thereafter. Her claim was refused and an appeal to the First-tier Tribunal was dismissed in January 2008. Reconsideration was ordered on the basis that the judge had not made a finding as to the appellant's nationality. The judge had found the appellant's evidence lacking in credibility and this finding was preserved.
- 5) There was a further appeal hearing in November 2008, at which the appellant appeared but was not represented. At this further hearing the appellant was found not to be a national of DRC but a national of Cameroon. Her appeal was dismissed.
- 6) Subsequently the appellant sought on several occasions to make fresh representations. When these were rejected in August 2011 the appellant sought judicial review. The respondent then treated the further representations as a fresh claim but this was refused on 3 October 2012. It is this refusal which gave rise to the present appeal.
- 7) Accordingly to the appellant's account she was born in Cameroon and lived all her life there until travelling once to the DRC at the age of around 20. The appellant's case is that her parents were nationals of DRC who were living in Cameroon. The appellant described her circumstances in Cameroon as those of a settled and untroubled family life. She attended school and then went to work for her mother as a street trader. Her father was a school teacher. Although her parents were not nationals of Cameroon there is no evidence of any discrimination against them on this account.
- 8) From around 2003 her father started to say that the family would return to DRC. In 2006 the appellant's father, mother and brother went to DRC. Her father had given up his job and decided to become involved in politics in DRC in support of the MLC. The appellant remained behind in Cameroon for a while to wait for some documents which she was to take to her father and

to obtain money owed to her mother for her shop, which had been sold. In April 2007 the appellant travelled with the documents to Kinshasa, where she was detained at the airport. She was held for about four months, during which time she was sexually assaulted, raped and mistreated. She escaped and fled to the UK via Nairobi.

### **Oral evidence**

- 9) The appellant gave oral evidence at the hearing before me, relying on witness statements dated 18 December 2007 and 15 November 2012. She was asked first in examination-in-chief why she did not feel able to go to either the Embassy of DRC or the Embassy of Cameroon to enquire about her nationality. She replied that she would not go to the Embassy of DRC as she was tortured by people in Kinshasa and would not apply to anyone in authority. She felt the same about the Cameroon Embassy.
- 10) In cross-examination the appellant was asked if her father had taught French at a high school in Cameroon. The appellant replied that she was not exactly sure as she was a child at the time. Her father had taught until 2000. He gave up his job because he became active in politics.
- 11) The appellant was asked if she knew why her parents had left Cameroon. She replied that they were going back home. She was asked why they chose to go home at that time. She said she could not answer. Her father made the decision to go back and the family had to go back with him. She knew her parents had discussed this but she was not involved in any discussions about it.
- 12) The appellant was asked why her father became involved in politics. She replied that he hated the government of DRC and hated Kabila being President. He wanted to stop Kabila being in power. Kabila had taken power by force.
- 13) The appellant was asked why she was left behind when her family return to DRC in September 2006. The appellant replied that she could not answer but she did what her father told her to do. She did not know why he decided to leave her there. It was put to the appellant that it would have been logical for her mother to stay behind with her and her brother. The appellant replied that this might seem logical to the Presenting Officer but in her family they had to do what her father said and they could not say that it was not logical.
- 14) The appellant was asked if she had ever left Cameroon before 9 April 2007 or used a passport to leave Cameroon. The appellant replied that she had not. She did not know when her passport was issued or where it was issued. She was not involved in making the application for a passport.
- 15) The appellant confirmed that she spoke to her parents between the time that they left Cameroon and the time that she left. Her father used to call

her every week until just before she left. He told her that a person would bring her documents and help her. This was a Mr T. When her parents left she was told to pick up money and wait for documents to be brought to her. They would be brought by a man who would also help her. The appellant was asked when she last spoke to her father and she said this was around early March. She confirmed that she had travelled to DRC on 9 April 2007. It was put to her that at this point she had not spoken to her parents for about a month. She said she could not say how many weeks it was since she had last spoken to her father. The appellant was asked if she was aware of disturbances in Kinshasa on 23 March 2007 and the appellant replied that she was not. She was asked if she had been questioned about this event and she replied that she was.

- 16) The appellant was asked why someone would have put their reputation at risk by helping her to escape. The appellant said she could not answer. DRC was not Europe. People there did what they wanted to people. The appellant was asked about her paternal cousin, V, to whom she referred at Q116 of her asylum interview and who had helped her escape. The appellant confirmed that he was her cousin and that he was a member of MLC. She confirmed she had spent time with V's mother-in-law after her escape. She was asked why she had not attempted to contact V in order to help trace her parents or establish her background. The appellant replied that V had saved her life. She further explained that she had no telephone number for him. The appellant was asked about the woman who had accompanied her when she left DRC. The appellant said this woman was the only person who had contact with V. The appellant was asked why V had gone to all this trouble when she had not told him even that she had arrived safely. The appellant replied that V had given her what he could and that he had done this through the woman who accompanied the appellant. After the appellant's journey to the UK she never saw the woman again.
- 17) The appellant was asked how she made contact with the Reverend N in Cameroon. She explained that this was by telephone in December 2007. The appellant explained that at this time she had a solicitor in Middlesbrough. She was living in shared accommodation with other people, one of whom was a girl from DRC. She had a boyfriend who went through the churches in Cameroon to find the number of the pastor. When she spoke to the Reverend N she asked if he remembered her and told him she had had problems.
- 18) The appellant was asked why having spoken to the Rev N she had also contacted the Red Cross. The appellant replied this was because the Red Cross was in charge of finding people and she was advised to contact the Red Cross to find her family. The appellant was asked why she had not spoken to anyone else in Cameroon, such as members of the Reverend N's congregation. The appellant said she went only to school and church and could not speak to anyone. She was asked if her father's place of employment had been contacted. She replied that they were contacted by Mr Alan Brice who had tried to contact the school.

- 19) It was put to the appellant that she had acknowledged that her father used to beat her and the appellant was asked if her father had abused her in any other way. The appellant replied that her father was strict and you would remember it when he punished you. He would punish you even when you had forgotten what you did. This was bad treatment but the appellant did not think she was abused by her father.
- 20) The appellant was asked why she would not return to Cameroon. The appellant replied that her father was an activist in Cameroon and Cameroon had the same rules as in DRC. If the authorities thought you caused trouble for the government you would not be safe. The appellant was asked why the authorities would be interested in her after 8 years. The appellant replied that this was because she was her father's daughter. It was pointed out to the appellant that she did not know what her father had done in politics. The appellant replied that she did not know what she was accused of in Kinshasa. In Cameroon her father was also involved in politics and the authorities did not forget about you.
- 21) The appellant was asked what languages her parents spoke. She said her father spoke Lingala and her mother spoke another Congolese language which was a mixture of Swahili and Lingala. The appellant spoke mainly French and she understood Lingala but could not speak it. Her father had wanted her to be educated in French.
- 22) In re-examination the appellant was asked about her contact with the Red Cross. She said she gave them the names of her parents. She was asked if she knew anyone in Cameroon and she gave the details of Reverend N. The appellant was asked if she had ever made enquiries about nationality with the Cameroon authorities. She replied that she had not. She said the passport that she used to travel to DRC was a Congolese passport. The appellant spoke of the depression from which she suffers and the voluntary work she does.

## **Submissions**

- 23) In her submission for the respondent Mrs Rackstraw relied on the respondent's reasons for refusal letter. She referred to the long history of this appeal and the adverse credibility findings which had previously been made against the appellant. She submitted that the appellant had not told the truth in the evidence she gave before me. Before giving her evidence today the appellant had claimed not to know why her father had become involved in politics. She gave the explanation for the first time today that this was because he disliked Kabila. It was unlikely if she attended her father's meetings she would not know his views. When the appellant was asked about specific elements of her claim her answers lacked candour. She gave an account of having received help from her paternal cousin, V, and said she had spent 6 weeks with V's mother-in-law. V went to considerable expense to assist the appellant. He was not just a political

acquaintance of her father but a member of her family. The appellant claimed that she left DRC with his help but she was without direct contact with him.

- 24) Mrs Rackstraw submitted that it was not reasonably likely the appellant was left behind in Cameroon to await the sale proceeds of her mother's business and some political documents for her father. It was more likely that her mother would have waited behind with her. It was not likely that the appellant's father would have left her behind without providing a support network for her. The appellant said her father kept himself aloof in Cameroon but he worked as a high school teacher for several years. There was no evidence he was not integrated into the country. The scene the appellant set out did not ring true. V was the appellant's link with her family but all the information about how to contact him was, according to the appellant, with the agent. When she lost contact with the agent she also lost contact with V.
- 25) Mrs Rackstraw continued that the appellant had not given a satisfactory explanation for not speaking Lingala. She was reluctant to answer questions. She suggested that Alan Brice had attempted to contact her father's school but she never mentioned this before the hearing before me. This was not part of Alan Brice's evidence. Although Professor Seddon was in touch with the Reverend N, it was the appellant who had first contacted the Reverend N. The Reverend N had been primed by the appellant. According to Professor Seddon the documents produced by the Reverend N were in standard format but no documents were produced for comparison. Professor Seddon had no forensic qualifications. There were errors in the English in the documents. According to Professor Seddon the pastor said that he knew the family fairly well but the pastor did not say this in his letter of 19 November 2008. The pastor used the word "mass" in his letter though may have changed in translation. Greater scrutiny was required of the documents and Professor Seddon's assertions in respect of them were too sweeping. His report was partial to the appellant. In it he criticised previous determinations. Although the appellant claimed to have PTSD she gave evidence clearly at the hearing. She was studying successfully and doing voluntary work. She attends church and lives by herself.
- 26) Ms Brakaj addressed me on behalf of the appellant and relied on a skeleton argument. She said that most of the evidence in relation to nationality was from the appellant herself. Cameroon was the place of her birth and upbringing but her parents were citizens of DRC. In addition there was now evidence from Professor Seddon which had not been before Judge Gillance, who heard the first appeal originally. The appellant had also put forward evidence from the Reverend N. The appellant had been making best efforts to locate her family and prove her nationality. The appellant's evidence was supported by medical reports, which were not all before the previous judges. The recent medical evidence attributed the appellant's problems to her detention, torture and sexual violence perpetrated upon her. The appellant feared return to either DRC or Cameroon. She had no

motivation to claim to be a national of DRC if she feared return to both countries.

- 27) Ms Brakaj acknowledged that there was case law on approaching embassies in cases of disputed nationality. The appellant did not feel able to make these approaches. This was dealt with by Professor Seddon and also addressed in the evidence today. The appellant suffered from PTSD as a result of extreme suffering. She socialises but avoids contact with people of her own background. The appellant had had hundreds of appointments with her psychologist and it would be difficult to maintain a deception through hundreds of appointments. The alternative causes of her distress had been looked into. The appellant's safety was a concern and return to either country would cause a collapse in her mental health.

## Discussion

- 28) As Mrs Brakaj pointed out at the previous hearing before me, in terms of Devaseelan [2003] Imm AR 1 findings made previously may be overturned by compelling new evidence. In this appeal there is such evidence. This is in the form not only of detailed additional medical evidence but also an expert report from Dr Seddon and further evidence from Reverend N.
- 29) In the new evidence before me there was a letter from the Reverend N to the appellant and a reply from him to a Red Cross inquiry. Both were handwritten in French and typewritten translations were provided. The letter is dated 10 August 2010. It states that the appellant was the daughter of M, who was Congolese. His wife was a market seller. The appellant was baptised on 11 April 1996. The Reverend N refers to the appellant's parents having left around 2006. He recalls having seen the appellant some months later before she disappeared herself. He had forgotten about the family until one day around 2007 when he received a telephone call from a girl in England.
- 30) The response to the Red Cross inquiry was dated 19 November 2008 and was handwritten. It states that the Reverend N had great difficulty in locating the appellant's family but he knew them as refugees who did "come to mass from time to time".
- 31) Mrs Rackstraw questioned the use of the word "mass" in a communication from a Presbyterian pastor. She acknowledged, however, that the letters had been translated. I had no evidence before me as to the meaning of the original French word which has been translated as "mass". I draw no adverse inference from the use of this word, which may well be the result of an imprecise translation.
- 32) The respondent's reasons for refusal letter of 3 October 2012 questions why there was no further contact with the Reverend N during an interval of two years. It is also said that no original copy of his letter was produced and that the content of the letter could have been supplied by the appellant.
- 33) Several points have been made on behalf of the appellant in relation to this. It has been pointed out that the letter sent by Reverend N was sent by fax so there was no original letter produced. It was pointed out that the appellant had difficulty in obtaining evidence from the Reverend N and he himself refers to his lack of resources. It is also pointed out that the Reverend N supplied a letter not only for the appellant but also for the Red Cross. I note that the signatures on the two letters seem to match.
- 34) It is recorded in Professor Seddon's report, at paragraph 5.5, that in December 2007 the Reverend N sent the appellant a certified copy of her birth certificate, a copy of her baptism certificate and a statement by the Cameroonian League for Personal Rights (LCDP), referred to by Professor



Seddon at paragraphs 4.10 and 5.5 of his report. The baptism certificate gave the appellant's date of birth as 6 July 1986, which corresponded with the birth certificate. She was baptised on 11 April 1996.

- 35) According to Professor Seddon the birth certificate is in standard format but there are errors in the printed English language sections, and also mistakes in the French words used. Professor Seddon comments that such mistakes do exist even in official documents in Cameroon which although formally bilingual, is in effect largely Franco-phone. This did not explain the mistakes in French. Once printed, however, accordingly to Professor Seddon, standard documents were rarely checked through and corrected by officials. The printed templates were often put together by ill-educated and careless minor officials. Professor Seddon was inclined to accept the birth certificate as a genuine copy of the original.
- 36) It is of significance that the birth certificate indicates that the appellant's father was born in Equateur Province, Zaire, which, as Professor Seddon points out, is the former name of DRC. The appellant's mother was born in Orientale Province, also in Zaire. This suggested, according to Professor Seddon at paragraph 5.4, that the appellant would be of Congolese parentage and therefore of Congolese nationality, despite having been born in and lived in Cameroon all of her life.
- 37) Professor Seddon points out at paragraph 4.7 that at her screening interview the appellant acknowledged having had her own national passport. However, this had been given to her by her father so she had not made an application for it herself. The police in DRC had taken it. Dr Seddon points out at paragraph 4.4 that normally having both parents of DRC nationality would entitle the appellant to Congolese nationality. Double nationality was prohibited in DRC. At paragraph 4.5 Professor Seddon points out that the appellant was clearly a resident in Cameroon but apparently did not have an official ID card, although she had been able to produce a copy of her birth certificate and of a certificate of baptism. In Cameroon, expatriots of other nationalities are not allowed to hold ID cards if they have documents showing them to be of another nationality. At paragraph 4.6 Professor Seddon points out that birth within the territory of Cameroon does not automatically confer citizenship, except where a child is born of unknown or stateless parents, or is born in Cameroon of foreign parents, at least one of whom was also born in Cameroon. The appellant could not meet any of these conditions. Cameroonian citizenship might be acquired upon certain conditions but dual citizenship was not recognised. It was unlikely in Professor Seddon's opinion that the Cameroonian authorities would accept any application for Cameroonian nationality from the appellant now unless she wished to renounce her Congolese nationality and rely solely on Cameroon nationality.
- 38) Turning to the appellant's ability to speak French, Professor Seddon points out at paragraph 4.8 that French is spoken both in Cameroon and the DRC. The appellant found it difficult to understand Lingala, although this was the

language in which her father and his political colleagues spoke. Her lack of knowledge of Lingala was adequately explained by the fact that she had never lived in DRC and it did not follow from this that she was a Cameroonian national.

- 39) Mrs Rackstraw referred me to Tribunal decisions in which Professor Seddon's reports were criticised. The first of these is Djebari (01TH02624) and the second was FM [2003] UKIAT 00178. I note that both of these determinations originate from a considerable time ago. They were concerned with Algeria and not with either Cameroon or DRC. In view of the time that has elapsed since these decisions were made I do not consider that the criticisms have any significance to the report by Professor Seddon in the appeal before me.
- 40) A further issue raised in relation to nationality was the apparent failure by the appellant to apply for nationality at either the DRC Embassy or the Cameroonian Embassy with a view to demonstrating that she either was or was not a national of either country. Assuming that the appellant's ill-treatment and suffering at the hands of the authorities in DRC was true, however, and that she has a genuine fear of returning there, this would be an adequate explanation for why she had not applied to the Embassy of DRC. Her explanation for not applying to the Cameroon Embassy was in part a distrust of all officials from sub-Saharan Africa and in part a fear that because when interrogated in DRC she had given the names of political activists in Cameroon she would be at risk were she to return to Cameroon. This explanation was referred to at paragraph 4.15 of Professor Seddon's report. The further view he expresses is that as she has no close family left in Cameroon the appellant would be returning as a single young woman alone in a country for which she is not a national and she would face a risk of economic, physical and sexual exploitation.
- 41) I am inclined not to attach any great weight to the absence of an application by the appellant to the Embassy of Cameroon in an attempt to establish her nationality or lack of it. In my experience if an appellant is seeking to show that he or she is not a national of the country to which an application for proof of nationality is made, then it is not particularly difficult to obtain a negative answer either by providing misleading information or insufficient information. If the appellant had been seeking to show that she was not a national of Cameroon, she might have made some such half-hearted application to the Embassy of Cameroon with the almost inevitable result that it was rejected. I do not consider the absence of such an application is a matter of any great significance in the circumstances of this appeal, in which there is evidence from other sources relating to nationality.
- 42) Considerable reliance was placed on behalf of the appellant on the medical evidence. In my decision of 3 December 2014 I pointed out that the medical evidence before the Tribunal in 2012 was significantly different from the medical evidence before the Tribunal in 2008. One of the errors of law made by the Judge of the First-tier Tribunal was stating that the medical

evidence essentially told the same story as the evidence in the earlier appeal. This was not adequate to address the issues arising from the medical evidence. The new medical evidence included a report by Dr Woodward from the Medical Foundation and a letter dated 13 September 2010 from Mr Brice from Freedom from Torture (as the Medical Foundation became.) The evidence from Mr Brice was based on regular therapy sessions with the appellant from November 2009. The evidence of Dr Woodward in a report of 2009 found that there were a number of factors that were highly suggestive that the appellant's traumatic symptoms were caused by detention and torture as she had reported.

- 43) I had before me a further report dated 19 May 2014 from Freedom from Torture and written by Wynne Fitzsimmons. He records that he has had 37 sessions with the appellant between January 2013 and March 2014 and has been monitoring the appellant since March 2008. He refers at paragraph 26 to the suggestion made to the appellant by her legal representative to visit the DRC Embassy to obtain evidence of her nationality. Mr Fitzsimmons reports that this request "elicited from [EM] some severe reactions that expressed her terror from her torture experiences in the DRC, especially people from there in positions of authority." Mr Fitzsimmons then expands on this in further detail.
- 44) Mr Fitzsimmons concludes at paragraph 35 that the appellant presents with a diverse range of PTSD like symptoms, which he fully details. He refers to the appellant as having developed coping mechanisms and strategies which allow her to present a "fragile public persona". She is able to use her intelligence and intellectual powers in her studies. That social involvement is limited to safe but older people on a needs basis. Her coping strategies include avoidance and isolation coupled with the regimes of fasting and prayer. Her public persona camouflages her inner chaos based on anxiety, fear and terror. Mr Fitzsimmons accepts that the appellant's fear arises from the rape and torture she experienced in DRC. At paragraph 28 of his report it describes the appellant as living with a continuous fear of being identified or of being found by authorities especially from the African countries she has lived in previously, Cameroon and DRC. She disclosed under torture the names of political associates and friends of her parents in Cameroon. Her fear of what may have happened to those persons in Cameroon, whose identity she disclosed, together with her personal experience of torture, feeds a greater fear of reprisals should she return there.
- 45) Also before me was a letter dated 24 April 2014 from Dr R Williams, Consultant Psychiatrist in Gateshead. Dr Williams refers to a 2008 diagnosis of PTSD, since which time the appellant has been seeing a psychologist and a counsellor on a weekly basis. Her mental health has worsened since September 2013. She is described as wishing she could kill herself but her strong religious beliefs prevent her from doing this. She has intrusive regular flashbacks of rape and torture and regular nightmares. Her PTSD is described as moderately severe. She has been able to resolve and work

through this trauma due to the uncertainty of her future and the constant fear of removal. Her fear has persisted for so long that some of her coping strategies have become entrenched and may be difficult to change.

- 46) One of the features of this appeal at various hearings has been consideration of the possibility that the mental scars the appellants bears, as well as the physical scars described in an earlier report by Dr Lord, could have been caused in some way other than the account given by the appellant. Even at the hearing before me, Mrs Rackstraw hinted at the possibility of the appellant being a victim of child sexual abuse, which the appellant denied. It seems to me that in the face of powerful medical evidence based on numerous counselling sessions, it is not a particularly fruitful exercise to search outwith the medical evidence for other possible causes of the appellant's problems. The appellant's experiences are attested not only by her own account but by substantial medical evidence and supported by the documents from the Reverend N and the report by Dr Seddon. Of course, not all of these documents substantiate every part of the appellant's claim. Taken together, however, they build up a comprehensive and coherent picture. There is really no significant reason why this picture should not be accepted as establishing to the lower standard that the appellant has a genuine fear of persecution in her country of nationality, which is DRC. Based on her experiences there and on the country information before me this fear is well-founded.
- 47) The appellant has not addressed every issue relating to her nationality but there is sufficient evidence before me for me to be satisfied for the purpose of this appeal that she is a national of DRC. As Professor Seddon pointed out in his report, neither DRC nor Cameroon accepts dual nationality. The appellant's parents were from DRC and, according to Professor Seddon, the appellant herself would not qualify for Cameroonian nationality without satisfying a number of further conditions. On arrival in DRC the appellant was found in possession of documents seemingly relating to opposition political activity, which her father had asked her to bring to him. As a consequence of disturbances in Kinshasa around that time the appellant was detained without having an opportunity to contact her parents. She was regarded as an opponent of the Kabila regime and detained and mistreated on this account. In addition, the police commander responsible for her arrest selected her for his own gratification as, in the words of Professor Seddon, a sex-slave.
- 48) The appellant's account of her escape has been criticised as implausible. Professor Seddon points out at paragraph 5.12 that when she was recognised by the hotel manager, V, as a relative it was not at all implausible, given the kind of support relatives give each other in African societies, that he would have helped her in the way that he did. It has been suggested that the fact that the appellant found herself in a hotel where her cousin was the manager was "a remarkable coincidence" but I do not assume from this that it could not have occurred. The subsequent loss of contact with this cousin who helped her is not adequately explained but

there is a possibility that having assisted the appellant to travel to the UK he did not wish further contact with her. Alternatively, it may be possible given her difficult mental and emotional state that the appellant inadvertently failed to retain details of how to contact her cousin. Whatever uncertainties there may still be in the appellant's account, particularly in relation to how she was able to escape from detention and leave DRC, there is enough in her account to show to the required standard that she is a national of DRC and was persecuted there on account of the political opinion imputed to her and would continue to be at risk were she to return. For this reason her appeal will succeed.

## **Conclusions**

49) As set out in my decision of 3 December 2014, the decision of the First-tier Tribunal did involve the making of an error on a point of law and it has been set aside.

50) I re-make the decision in the appeal by allowing it on asylum grounds.

## **Anonymity**

51) The First-tier Tribunal made an order for anonymity. In view of the details of the appellant's physical and mental health I continue that order (pursuant to Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008.)

**Fee Award**                      Note: this is not part of the determination

No fee is payable and therefore no fee award is made.

Signed

Date

Judge of the Upper Tribunal