



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

Appeal Number: PA/07473/2018

THE IMMIGRATION ACTS

**Heard at Field House
On 2 November 2018
and 13 February 2019**

**Decision and Reasons
Promulgated
On 11 March 2019**

Before

DEPUTY JUDGE OF THE UPPER TRIBUNAL CHANA

Between

**MS M.E. SHALO
(no anonymity direction made)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the appellant: Ms A Swain of Counsel

For the respondent: Mr I Jarvis, Senior Presenting Officer

DECISION AND REASONS

1. The appellant appeals to the Upper Tribunal against the decision of First-tier Judge Nicholls promulgated on 23 July 2018 dismissing the appellant's appeal against the decision of the respondent refusing her asylum and humanitarian protection and to remove her from the United Kingdom pursuant to section 10 of the Immigration and Asylum Act 1999.

2. Permission to appeal was granted by First-tier Tribunal Judge Shimmin on 23 August 2018 stating that it was arguable that the First-tier Judge erred when considering the appellant's surplus activities because the Judge appears to have accepted that the appellant had participated in those activities but there was no consideration by the Judge as to whether she would come to the adverse attention of the authorities of as a result.
3. The first-tier Tribunal judge dismissed the appellant's appeal and stated that the appellant claims that she would be at risk from the Cameroonian authorities because of her political support for the SCNC. She claims that she was an active supporter and as a result was detained on two occasions being subject to regular intimidation and harassment by Cameroon security forces and would be at risk of detention and torture if she is return to Cameroon. The Judge did not find the appellant credible and dismissed her claim for asylum and humanitarian protection.
4. In respect of her surplus claim, the Judge stated that the appellant has produced a number of photographs that she says show her participating in demonstrations in the United Kingdom and claims she has been politically active since March 2018. The Judge found that the appellant only started these activities after her asylum claim was lodged. The Judge stated that although the appellant can be readily identified in some of the photographs but found it only shows a general participation, most probably, one day and not in circumstances where it was claimed that recordings were being taken by staff from the Cameroon embassy. There is no background information before me to show that the Cameroon authorities are actively monitoring ordinary protesters in other countries. The Judge found that the appellant has not shown that the appellant activities in the United Kingdom are of such a weight that she would constitute a particular target for treatment if she returns to Cameroon.
5. The Judge accepted the appellant participated in a protest in the United Kingdom against the Cameroonian authorities. The Judge was of the view that the timing of the appellant's participation in protests in the United Kingdom, which was after claim for asylum, was opportunistic and she would not be at risk from the Cameroonian authorities or become a target.
6. However, I accept the appellant's argument that even if the appellant's participation is opportunistic, the Judge still must still consider whether this would put her at risk on her return to Cameroon. The Judge's reasoning in this regard is inadequate.
7. I therefore direct that the appeal be placed before the Upper Tribunal for submissions to be heard as to whether the appellant's surplus activity or activities in the United Kingdom would put the appellant at risk on her return to Cameroon. There are no findings of fact to be made because I uphold all the other findings of the First-tier Tribunal Judge.

The renewed hearing

8. At the renewed hearing, the appellant provided an expert report from Prof Mario I. Aguilar which stated that he prepared the report of the request of Eagles Solicitors. Prof Mario states that he has “researched” on the socio-political and cultural institutions of Cameroon in the context of his books on Rwanda, East Africa and the Democratic Republic of Congo. Therefore, he does not have any expertise on Cameroon but had to research it on information available in open sources. That in itself does not make the report inadmissible, but I give consideration to its source, in particular its independence, reliability and objectivity. The expert sets out the appellant’s claim from the reasons for refusal letter and from the decision of the First-tier Tribunal and reaches his conclusions. There are very few recent references and there is a reference to a 2005 source. The opinion reads like a defence statement where the appellant’s explanations are justified and the respondent’s reasons in his reasons for refusal letter are rejected. It is not an independent report and I admit it but place no reliance on it.
9. The senior presenting officer objected to the admission of the report and said that she thought that appeal was on this discreet point about the admissibility of the report. The senior presenting officer did not have any background evidence to submit but said that there is no country guidance case and very little background evidence to show that anyone returning to Cameroon would face any difficulty even if they have participated in demonstrations this country.
10. I have considered the background evidence in the 63-page bundle provided for the renewed hearing. I cannot conclude from the evidence that the appellant who has opportunistically attended a demonstration in this country, in a bid to establish a surplus claim will be at risk on her return to Cameroon. She has been found not to be credible and claim was considered not credible that she suffered any persecution before she left Cameroon. She would not be of any interest of the Cameroonian authorities on her return.

Decision

The appellant’s appeal is dismissed.

Signed by,

A Deputy Judge of the Upper Tribunal

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Ms S Chana
February 2019

Dated this 25th day of