



**Upper Tribunal
(Immigration and Asylum Chamber)
PA/03281/2016**

Appeal Number:

THE IMMIGRATION ACTS

Heard at Newport (Columbus House)

On 29 August 2017

**Decision & Reasons
Promulgated**

On 12 October 2017

Before

DEPUTY UPPER TRIBUNAL JUDGE DAVIDGE

Between

AB

(ANONYMITY DIRECTION MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms Fitzsimons instructed by Migrant Legal Project

For the Respondent: Mr G Harrison, Home Office Presenting Officer

**Order 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 him or any member of his family. This direction applies both to the Appellant and to the Respondent. Failure to comply with this order could lead to contempt of court proceedings.

DECISION AND REASONS

1. The Appellant is a citizen of Ethiopia, born in 1981. He appeals with permission a decision of the First-tier Tribunal, Judge Solly, dismissing his appeal brought on international protection grounds.
2. In response to the grant of permission to appeal the respondent filed a rule 24 notice indicating her intention to defend the decision, whilst at the same time recognising that as at time of filing the notice the respondent had yet to receive a copy of the decision with the appellant grounds of appeal. In the event by the time of hearing the respondent had the opportunity to consider the grounds, application and grant of permission. Mr Harrison indicated that he was unable to defend the judgement, conceding that the judge reached her credibility findings based on the defects identified by the appellant as occurring at paragraph 49 of her judgement, and that such reached conclusions which were not open to her in the context of a mistaken consideration of the appellant's brothers evidence, a mistake of fact in respect of the documents submitted to the respondent and the tribunal, but most significantly reaching an adverse credibility finding before considering if the medical evidence concerning post-traumatic stress disorder and scarring brought anything to the credibility assessment in the context of the account of torture and ill treatment.
3. Mr Harrison and Mr Fitzsimons were agreed that the errors identified in the grant of permission required the matter to be remitted back to the first-tier tribunal so that a full fact-finding exercise could be conducted de novo.
4. I am satisfied that the errors conceded by Mr Harrison do indeed show material errors for the reasons confirmed by him, such that the decision cannot.

Decision

5. The decision of Judge Solly dismissing the Appellant's appeal reveals material errors of law. I set it aside with no findings of fact retained. In the circumstances, the appeal is remitted to the first-tier tribunal to be reheard, in full, de novo.

Signed

Date 28 September 2017

Deputy Upper Tribunal Judge Davidge