



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: PA/02806/2018

THE IMMIGRATION ACTS

Heard at Field House
On 25 September 2018

Decision & Reasons Promulgated
On 27 September 2018

Before

UPPER TRIBUNAL JUDGE GLEESON

Between

E T M

[ANONYMITY ORDER MADE]

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms Abigail Smith, Counsel instructed by the Cardinal Hume Centre

For the Respondent: Mr Nigel Bramble, a Senior Home Office Presenting Officer

DECISION OF THE UPPER TRIBUNAL

**PURSUANT TO RULE 40(3)(a) OF THE TRIBUNAL PROCEDURE
(UPPER TRIBUNAL) RULES 2008**

Anonymity Order

Pursuant to Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, I make an anonymity order in this appeal. The appellant will be referred to in these proceedings only as E T M. Unless the Upper Tribunal or a Court directs otherwise, no report of these proceedings or any form of publication thereof shall identify the original appellant, whether directly or indirectly. This order applies to, amongst others, all parties. Any failure to comply with this order could give rise to contempt of court proceedings.

1. The appellant appeals with permission from the decision of the First-tier Tribunal dismissing his appeal against the respondent's decision to refuse him international

protection under the Refugee Convention, humanitarian protection, or leave to remain in the United Kingdom on human rights grounds.

2. The basis of the appellant's claim is that he is a gay man and at risk in Cameroon for that reason. For the respondent, Mr Bramble accepts that if the appellant is gay, there is a real risk of persecution or serious harm for him in Cameroon. At the hearing today, it was common ground that the First-tier Tribunal did materially err in law in applying too high a standard of proof and in the weight placed on email evidence of the appellant's damaged relationship with his family members once his sexual orientation was known, as well as the absence of any evidence from his brother, who is said to have thrown him out and told the whole family, once the appellant's orientation became known to him.
3. Pursuant to rule 40(3) of The Tribunal Procedure (Upper Tribunal) Rules 2008 (as amended), the Upper Tribunal is not required to provide written reasons for its decision under paragraph 40(2)(a) of the Rules, where the decision is made with the consent of the parties (rule 40(3)(a)), or the parties have consented to the Upper Tribunal not giving written reasons (rule 40(3)(b)).
4. The parties agree that this is a case where the decision of the First-tier Tribunal must be set aside, and that no written reasons are required. The requirements of subparagraphs 40(3)(a) and 40(3)(b) of the Rules are met. I am satisfied that the decision of the First-tier Tribunal can properly be set aside without a reasoned decision notice.
5. I therefore set aside the decision of the First-tier Tribunal, with no findings of fact or credibility preserved. The appeal will now proceed to the stage in which the First-tier Tribunal will remake afresh the decision to allow or dismiss the appeal.

Signed: *Judith A J C Gleeson*
Upper Tribunal Judge Gleeson

Date: 25 September 2018