



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: PA/08239/2017

THE IMMIGRATION ACTS

No hearing
On 26 June 2018

Decision & Reasons Promulgated
On 28 June 2018

Before

MR C M G OCKELTON, VICE PRESIDENT

Between

[N S]

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

DECISION AND REMITTAL

1. On 4 May I wrote to the parties as follows:

“In this case, permission has been granted on the following grounds:

“It is arguable that the Judge’s analysis of the available medical/expert evidence, which is confined to [39]-[40] of his decision, is inadequate, as in his conclusion that the appellant does not suffer from PTSD, depression or anxiety, the relevant available evidence in relation thereto appearing to be extensive. It is arguable that the Judge has not adequately engaged with such evidence, which evidence also refers to potential memory problems. It is also arguable that the balance of the Judge’s adverse findings is infected thereby. The balance of the grounds also has arguable merit. Permission is granted on all grounds pleaded.”

There is no response under rule 24.

I have considered the determination and the grounds. It appears to me that the grounds are more than arguable. I propose without more ado to find an error of law as identified in the grant of permission and set the First-tier Tribunal decision aside. Given the need for new fact-finding in these circumstances I would remit the appeal to the First-tier Tribunal for re-hearing.

Any proposal to the contrary will be considered if receive within the **14 days** of this letter."

2. There has been no response. I now set aside the determination of the First-tier Tribunal for error of law. I remit the appeal to the First-tier Tribunal for rehearing.

C. M. G. OCKELTON
VICE PRESIDENT OF THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER
Date: 26 June 2018