



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

Appeal Number: AA/10054/2014

THE IMMIGRATION ACTS

**Heard at Newport
24 July 2015**

**Promulgated on
On 2 September 2015**

Before

**MR C M G OCKELTON, VICE PRESIDENT
UPPER TRIBUNAL JUDGE GRUBB**

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

AZA

Respondent

Representation:

For the Appellant: Mr I Richards, Senior Home Office Presenting Officer.

For the Respondent: Ms K Parker, instructed by Avon and Bristol Law Centre

DETERMINATION AND REASONS

1. The Secretary of State appeals, with permission, against the decision of the First-tier Tribunal (Judge Suffield-Thompson) allowing the appeal of the respondent (whom we shall call "the claimant") against a decision on 28 October 2014 refusing her asylum and deciding to give directions for her removal.
2. The First-tier Tribunal Judge considered a substantial amount of evidence, including documentary evidence, and also including a report from a person she described as an "expert". She decided that the appellant was a

vulnerable person who had been open and truthful in her account at her asylum interview and in telling her story to medical professionals, the expert and to the Tribunal. On the basis of her evidence, and the other evidence in the case, the judge concluded that the claimant was at risk of ill treatment as a person who had not undergone FGM; that relocation would not be viable and that there would be no sufficient protection against the persecution of which she had a well-founded fear. Those were the reasons for which she allowed the appeal.

3. The Secretary of State raises three grounds of appeal. The first is that the judge failed to apply Tanveer Ahmed v SSHD [2002] UKAIT 00439, in relation to the documents that had been produced. There is no merit in that ground. The only reason that there might have been for disbelieving the claimant's documents was that it might be possible to obtain them fraudulently. The judge assessed the evidence as a whole, however, and, as we have said, accepted the personal credibility of the claimant. There was no specific reason in that context for her documents to be doubted. The judge was entitled to reach the view that she did.
4. The Secretary of State's second ground is that, although the judge regarded the report of the expert as "extremely helpful" she omitted to make any findings of fact in relation to it. This ground is bizarre. The judge specifically indicated that she accepted the report as extremely helpful, and set out the help she derived from it in sixteen sub-paragraphs, every one of which would have been entirely irrelevant if she was not making findings of fact based on it.
5. The third ground is that the judge failed to apply relevant country guidance, FB (Lone women - PSG - internal relocation - AA (Uganda) considered) Sierra Leone [2008] UKAIT 00090. That might have been a good ground, but for the fact that, as Ms Parker pointed out, that case is not a country guidance determination.
6. The relevant section of the Practice Direction of the Senior President of Tribunals is as follows:

"12 Starred and Country Guidance Determinations

...

12.2 A reported determination of the Tribunal, the AIT or the IAT bearing the letters "CG" shall be treated as an authoritative finding on the country guidance issue identified in the determination, based on the evidence before the members of the Tribunal, the AIT or the IAT that determine the appeal. As a result, unless it has been expressly superseded or replaced by any later "CG" determination, or is inconsistent with other authority that is binding on the Tribunal, such a country guidance case is authoritative in any subsequent appeal, so far as that appeal:-

- (a) relates to the country guidance issue in question; and
- (b) depends on the same or similar evidence.

12.3 A list of current CG cases will be maintained on the Tribunal's website. Any representative of a party to an appeal concerning a particular

country will be expected to be conversant with the current "CG" determinations relating to that country.

12.4 Because of the principle that like cases should be treated in a like manner, any failure to follow a clear, apparently applicable country guidance case or to show why it does not apply to the case in question is likely to be regarded as grounds for appeal on a point of law".

7. The decision in FB to which the Secretary of State refers, has a number of features of a country guidance determination, including an appendix setting out a list of materials taken into account, but its citation is not marked "CG", and it is not listed on the Tribunal's website as a country guidance case. In the circumstances, it appears to us that the Secretary of State's third ground of appeal is also without foundation. The Judge took into account the material before her relating to country circumstances. Her conclusions do not appear to us to suffer from any error of law.
8. For the foregoing reasons we dismiss the Secretary of State's appeal: the First-tier Tribunal's decision, allowing the appellant's appeal, therefore stands.

C. M. G. OCKELTON
VICE PRESIDENT OF THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER
Date: 13 August 2015