



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

Appeal Number: PA/02515/2017
PA/02518/2017
PA/03772/2017

THE IMMIGRATION ACTS

Heard at Birmingham

On 4 October 2018

**Decision & Reasons
Promulgated
On 02 November 2018**

Before

DEPUTY UPPER TRIBUNAL JUDGE L J MURRAY

Between

**E M M Y
G Y M
M C T M**

(ANONYMITY DIRECTION MADE)

Appellants

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms E Rutherford, Counsel

For the Respondent: Mr D Mills, Home Office Presenting Officer

DECISION AND REASONS

1. The Appellants are nationals of Cameroon. The First Appellant is the mother of the second and third Appellants. They claimed asylum on the basis of having a well-founded fear of persecution because of the First Appellant's imputed political opinion. That application was refused by the

Respondent on 5 April 2017. The Appellants appealed against that decision to the First-tier Tribunal and the appeal was dismissed by First-tier Tribunal Judge Ghani in a decision promulgated on 16 August 2017. Judge Ghani found that the First Appellant's account was not credible and dismissed the appeal on all grounds.

2. The Appellants sought permission to appeal against the decision of the First-tier Tribunal and permission was granted on 16 January 2018 by Upper Tribunal Judge Perkins who gave permission because he concluded that it was arguable that the Judge ignored an expert's report from Dr Charlotte Walker-Said dated 13 June 2017 which appeared to assist the appellant. Although that was the main error that was apparent he gave permission on each of the grounds.
3. The appeal therefore comes before the Upper Tribunal to determine whether there is a material error of law in the decision of the First-tier Tribunal.
4. The Respondent conceded in the Rule 24 response that there was a material error in the decision of the First-tier Tribunal and did not oppose the Appellants' application for permission to appeal.
5. At the hearing before me Mr Mills accepted that the error lay in the failure of the First-tier Tribunal to engage at all with the expert's report.
6. The decision of the First-tier Tribunal does not at any point refer to the expert's report which supported the First Appellant's account that she was likely to have been placed in the category of persons deemed a threat to national stability, political integrity, and social tranquillity. The expert's report is well reasoned and it has not been suggested that the expert did not have sufficient expertise for the report to have independent evidential value. In the circumstances the First-tier Tribunal's failure to have any regard to the report is a clear error of law.
7. Both representatives agreed that in the circumstances the matter would have to be remitted to First-tier Tribunal and consequently in the light of the fact-finding required and with regard to paragraph 7.2 of the Practice Statement I remit the matter to the First-tier Tribunal to be heard by a judge other than Judge Ghani.

No anonymity direction is made.

Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until a Tribunal or court directs otherwise, the appellants are granted anonymity. No report of these proceedings shall directly or indirectly identify them or any member of their family. This direction applies both to the

appellants and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.

Signed

Date 14 October 2018

A handwritten signature in black ink, appearing to be 'L J Murray', enclosed in a thin black rectangular box.

Deputy Upper Tribunal Judge L J Murray