



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

Appeal Numbers: PA/10127/2017

THE IMMIGRATION ACTS

Heard at Field House

On 23rd March 2018

**Decision & Reasons
Promulgated
On 8th May 2018**

Before

UPPER TRIBUNAL JUDGE FRANCES

Between

**R A
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr B Hawkins, instructed by Fadiga & Co

For the Respondent: Mr T Melvin, Home Office Presenting Officer

DECISION AND DIRECTIONS

1. The Appellant is a citizen of Ghana born in 1983. He appeals against the decision of First-tier Tribunal Judge Lal, dated 15 December 2017, dismissing his appeal against the refusal of his protection claim on asylum, humanitarian protection and human rights grounds.

2. After hearing brief submissions by the parties, I find that the judge erred in law in his assessment of credibility for the following reasons. The judge failed to demonstrate that he had assessed credibility in the round and to give adequate reasons for his conclusions.
3. The judge dealt adequately with the delay in claiming asylum, but then failed to take into account the medical report of Dr Briggs or to give any reasons for why he attached little weight to it. The judge found that the evidence did not support the Appellant's account. However, Dr Briggs was of the opinion that the Appellant's scarring was highly consistent with his account. It was incumbent on the judge to give reasons for why he found the Appellant's account to be vague and not credible.
4. Further, the judge failed to consider the letter from the Appellant's solicitor which dealt with the notes confiscated from the Appellant during his interview. He found that the Appellant had 'cribbed' his account without considering or giving reasons for rejecting the explanation put forward.
5. I find that the judge has erred in law in failing to properly consider of the Appellant's account and the supporting evidence and failing to give reasoned findings in order to demonstrate why the Appellant's appeal was dismissed. The judge also failed to deal with the section 72 certificate.
6. I have decided in accordance with paragraph 7.2 of the Practice Statements of 25 September 2012 that the decision dated 15 December 2017 should be set aside and the appeal remitted to the First-tier Tribunal. None of the judge's findings are preserved.

DIRECTIONS

- (i) The Tribunal is directed pursuant to section 12(3) of the Tribunals, Courts and Enforcement Act 2007 to reconsider the appeal at a hearing before a First-tier Tribunal Judge other than First-tier Tribunal Judge Lal.
- (ii) I direct that the Appellant serve on the Respondent and the Tribunal any further evidence and submissions, including matters pertaining to the section 72 certificate, at least 7 days before the hearing.
- (iii) The matter is listed before a First-tier Tribunal judge at Taylor House or Hatton Cross, London on the first available date. Please check counsel's availability before fixing a date.
- (iv) A Twi interpreter is required. List for 3 hours.

J Frances

Signed
Upper Tribunal Judge Frances

Date 23 March 2018