



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

Appeal Number: PA/06358/2019

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 30 October 2019**

**Decision & Reasons  
Promulgated  
On 4 November 2019**

**Before**

**UPPER TRIBUNAL JUDGE CANAVAN**

**Between**

**A A**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**(ANONYMITY DIRECTION MADE)**

**Anonymity**

*Rule 14: The Tribunal Procedure (Upper Tribunal) Rules 2008*

Anonymity should have been granted at an earlier stage of the proceedings because the case involves protection issues. I find that it is appropriate to make an order. Unless and until a tribunal or court directs otherwise, the appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him or any member of his family. This direction applies both to the appellant and to the respondent.

**Representation:**

For the appellant: Ms S. Akinbolu, instructed by Seddons

For the respondent: Ms S. Cunha, Senior Home Office Presenting Officer

### **DECISION AND REASONS**

1. The appellant appealed the respondent's decision dated 13 June 2019 to refuse a fresh protection and human rights claim.
2. First-tier Tribunal Judge Andonian ("the judge") dismissed the appeal in a decision promulgated on 20 August 2019.
3. It is not necessary to give detailed reasons because the parties agree that the First-tier Tribunal decision involved the making of errors of law: see rule 40(3)(a) The Tribunal Procedure (Upper Tribunal) Rules 2008.
4. In summary, (i) the First-tier Tribunal failed to apply the *Devaseelan* principles properly; (ii) failed to make clear findings relating to events that happened since the previous First-tier Tribunal decision (2017); (iii) failed to take into account relevant evidence; (iv) failed to take into account expert medical evidence relating to the appellant's mother which was relevant to a proper assessment of her credibility; and (v) made adverse credibility findings on the basis of an expert country report only selectively referred to in First-tier Tribunal Judge Lawrence's decision, which was not before the judge in this case to consider in full context.
5. Although there was some discussion with Ms Cunha as to whether some parts of the findings relating to the appellant's ability to obtain a CSID could be preserved, since the judge also failed to consider what was said in recent country guidance, it was decided that those findings were also unsafe. Given that a protection claim requires a holistic assessment it is appropriate for the case to be considered afresh. Since the whole decision will need to be remade with extensive findings of fact it is appropriate to remit the case to the First-tier Tribunal for a fresh hearing.
6. The First-tier Tribunal decision involved the making of errors of law. It is set aside and will be remitted to the First-tier Tribunal for a fresh hearing.

### **DECISION**

The First-tier Tribunal decision involved the making of an error on a point of law

The decision is set aside and will be remitted to the First-tier Tribunal for a fresh hearing

Signed  Date 30 October 2019  
Upper Tribunal Judge Canavan

