



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

Appeal Number: PA/07840/2018

THE IMMIGRATION ACTS

Heard at Bradford

On 12 April 2019

**Decision & Reasons
Promulgated
On 29 April 2019**

Before

UPPER TRIBUNAL JUDGE LANE

Between

**SF
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Hussain

For the Respondent: Mr Diwnycz, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant was born in 2001 and is a citizen of Bahrain. By a decision dated 17 May 2018, the Secretary of State refused the appellant's application for international protection. The appellant appealed to the First-tier Tribunal which, in a decision promulgated on 10 September 2018, dismissed the appeal. The appellant now appeals, with permission, to the Upper Tribunal.
2. At the initial hearing at Bradford, I was assisted by Mr Diwnycz, who appeared for the Secretary of State. He told me that the Secretary of State

agreed that the judge had erred in law such that his decision fell to be set aside. I shall, in the circumstances, be brief in giving my reasons for setting aside the decision.

3. The evidence of the appellant (the credibility of which the judge rejected) was supported by evidence from a cousin. The judge refers to that evidence at [21] and again at [26] where he says that 'the appellant's cousin has given evidence and confirmed that he was present when the appellant was shot in the leg.' The judge recorded that he asked at the hearing whether there was any medical evidence of those injuries and he was told that there was not. Thereafter, no further assessment is made of the cousin's evidence. It may be the case that the judge gave little weight to the evidence of the cousin because there was no medical evidence to support the claimed injuries to the appellant. However, a reader of the decision should not be left to fill in these gaps in the Tribunal's reasoning. The fact remains that the judge has not evaluated the evidence of the cousin and, if he rejected or gave little weight that evidence, he has not said why he has done so. In consequence, the judge's reasons for rejecting the appellant's account remain unclear.
4. There will need to be a new fact-finding exercise which is better conducted in the First-tier Tribunal. Since the error in the judge's decision lies within his analysis of credibility, I have not preserved any of the findings of the First-tier Tribunal.

Notice of Decision

The decision of the First-tier Tribunal which was promulgated on 10 September 2018 is set aside. None of the findings of fact shall stand. The appeal is returned to the First-tier Tribunal for that Tribunal to remake the decision.

Signed

Date 22 April 2019

Upper Tribunal Judge Lane

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.