



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM
CHAMBER

Case No: UI-2024-001768
First-tier Tribunal No:
PA/50519/2023

THE IMMIGRATION ACTS

Decision & Reasons Issued:
On the 13 June 2024

Before

UPPER TRIBUNAL JUDGE KOPIECZEK
DEPUTY UPPER TRIBUNAL JUDGE FARRELLY

Between

BN
(ANONYMITY ORDER MADE)

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms C Besso, Counsel instructed by MTC Solicitors

For the Respondent: Mrs S. Nwachukwu, Senior Home Office Presenting Officer

Heard at Field House on 5 June 2024

Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, the appellant and any member of her family is granted anonymity because this is a protection appeal.

No-one shall publish or reveal any information, including the name or address of the appellant, likely to lead members of the public to identify the appellant or any member of her family. Failure to comply with this order could amount to a contempt of court.

**DECISION PURSUANT TO RULE 40(3)(a) OF THE TRIBUNAL PROCEDURE
(UPPER TRIBUNAL) RULES 2008**

1. The appellant is a citizen of Zimbabwe. She appealed to the First-tier Tribunal (“FtT”) against the respondent’s decision to refuse a protection and human rights claim. The FtT dismissed the appellant’s appeal.
2. Permission to appeal the decision of the FtT having been granted, the appeal came before us for hearing. In advance of the hearing the respondent provided a ‘rule 24’ response in which it was accepted that the FtT had erred in law in its decision. At the hearing before us it was agreed between the parties that the FtT had erred in law in dismissing the appeal, for the reasons advanced in the grounds of appeal upon which permission to appeal was granted (and to which reference may be made for a full understanding of the errors of law).
3. In summary, the grounds contend that the FtT erred in law in the assessment of the expert medical evidence, and including the FtT’s approach to the GP’s records, in its consideration of the appellant’s vulnerability in relation to the assessment of credibility, took an erroneous approach to credibility generally, and failed adequately to consider background evidence on the availability of treatment in Zimbabwe. The rule 24 response accepts an interrelationship between various of the arguments advanced in the grounds.
4. It was further agreed between the parties that the errors of law are such as to require the decision of the FtT to be set aside and for the decision to be remitted to the FtT for a hearing *de novo*.
5. In the circumstances, we set aside the decision of the FtT for error of law and remit the appeal to the FtT for a hearing *de novo* before a judge other than First-tier Tribunal Judge S. J. Clarke, with no findings of fact preserved.
6. In remitting the appeal we have had regard to paragraph 7.2 of the Practice Statement of the Senior President of Tribunals.
7. Pursuant to rule 40(3)(a) of the Tribunal Procedure (Upper Tribunal) Rules 2008, no reasons (or further reasons) are required, the decision being made with the consent of the parties.

A.M. Kopieczek
Upper Tribunal Judge Kopieczek

5/06/2024