



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

Appeal Number: AA/16139/2010

THE IMMIGRATION ACTS

Heard at Field House

Determination Sent

On 13th March 2014

Before

**UPPER TRIBUNAL JUDGE DAWSON
UPPER TRIBUNAL JUDGE COKER**

Between

**S K
Anonymity order made**

Appellant

And

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr D Bazini, counsel, instructed by Parker Rhodes
Hickmotts

For the Respondent: Mr P Deller, Senior Home Office Presenting Officer

DETERMINATION BY CONSENT

1. Upper Tribunal Judge Storey held, in a decision sent out following a hearing on 16th September 2011 that the First-tier Tribunal judge had erred in law in dismissing an appeal on asylum grounds against the decision to remove the appellant. It was common ground that the

First-tier Tribunal judge had failed to deal satisfactorily with the expert evidence.

2. Before us the respondent accepted that, on the basis of the evidence now before the Upper Tribunal and in the light of the current country guidance case of MN [2012] UKUT 00389 (IAC), the appellant had made out her claim for international protection under the 1951 Refugee Convention, the appeal should be allowed and the appellant would be recognised as a refugee.
3. At the request of the parties and in accordance with paragraph 39 of the Tribunal Procedure (Upper Tribunal) Rules 2008, a consent order to this effect was signed by the parties, confirmed by us and is attached herewith.

Conclusions:

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

We set aside the decision

We re-make the decision in the appeal by allowing it.

Anonymity

The First-tier Tribunal did not make an order pursuant to rule 45(4)(i) of the Asylum and Immigration Tribunal (Procedure) Rules 2005.

In the circumstances however we make an order prohibiting the disclosure of any matter that may lead to the appellant being identified (pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008).

Date 20th March 2014

Judge of the Upper Tribunal Coker