



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

Appeal Number: AA/01214/2014

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 16 January 2015**

**Decision Promulgated  
On 19 January 2015**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE FROMM**

**Between**

**SAFIATOU DIAKITE**  
(NO ANONYMITY DIRECTION MADE)

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Ms E King, Counsel

For the Respondent: Mr C Avery, Home Office Presenting Officer

**DECISION AND REASONS**

1. The appellant is a citizen of Mali born on 15 June 1991. She has appealed with the permission of the First-tier Tribunal against a decision of Judge of the First-tier Tribunal Majid, promulgated on 29 October 2014, dismissing her appeal against a decision of the respondent to remove her to Mali, having refused her asylum application.
2. The core of the appellant's asylum claim is that she was forced into marriage by an uncle and raped. She had gone to France in 2008 to escape the marriage but the French authorities returned her to Mali. None of this was accepted by

the respondent. The appellant's appeal against the decision to remove her to Mali was heard on 8 October 2014 by Judge of the First-tier Tribunal Majid. He dismissed the appellant's appeal, concluding her evidence lacked credibility. His sole reason for this conclusion appears to have been that the appellant said in evidence she had no-one in Mali, which the judge found inconsistent with her account of her departure being arranged by her aunt.

3. Counsel who had represented the appellant at her appeal, Ms Emma King, drafted grounds seeking permission to appeal which argue, among other things, that the judge had not recorded the evidence correctly. As her own notes of the evidence showed, the appellant had given reasons why she could not rely on her aunt if she returned to Mali. More broadly, the judge's reasons were inadequate. The appellant was granted permission to appeal by the First-tier Tribunal.
4. The respondent has not filed a response opposing the appeal. Mr Avery accepted there was an error of law, as outlined above, and the appeal should be remitted for another hearing. I agree. Judge Majid did not give adequate reasons for his decision that the appellant was wholly incredible and the one reason he gave for his finding did not accurately reflect the appellant's evidence. The appellant is entitled to a fresh hearing before the First-tier Tribunal.

### **NOTICE OF DECISION**

The Judge of the First-tier Tribunal made a material error of law and his decision dismissing the appeal is set aside.

The appeal shall be heard de novo in the First-tier Tribunal subject to the following directions:

- 1) The appeal will be heard at Taylor House on 24 June 2015, not before Judge Majid;
- 2) If either party wishes to adduce additional evidence, it must be filed and served no later than 5 pm on 10 June 2015.

**Signed  
2015**

**Date 16 January**

**Judge Froom,  
sitting as a Deputy Judge of the Upper  
Tribunal**