



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

Appeal Number: AA/01901/2015

THE IMMIGRATION ACTS

**Heard at Bradford
On 25 August 2015**

**Determination Promulgated
On 7 September 2015**

Before

UPPER TRIBUNAL JUDGE D E TAYLOR

Between

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Appellant

And

SECRETARY OF STATE

Respondent

Representation:

For the Appellant: Ms Khan , Counsel, instructed by Legal Justice, sols

For the Respondent: Mrs Pettersen, HOPO.

DETERMINATION AND REASONS

1. This is the appellant's appeal against the decision of Judge Batiste made following a hearing on 24 March 2015 at Bradford.
2. Mrs Pettersen did not oppose the remittal of this determination to a differently constituted First-tier Tribunal.
3. There was evidence before the judge of a diagnosis of PTSD, and the treatment prescribed, in a report from the appellant's GP, which is a practice comprising mainly of asylum seekers and refugees. They set

out their experience and the constrictions on their ability to provide formal medico legal reports.

4. The judge records that he has the appellant's medical report which he says "indicates that she may have problems with depression and post traumatic stress disorder". He then said that it was not suggested that it gave rise to any Article 3 or 8 claim.
5. What was suggested in submissions, as is clear from the Record of Proceedings, is that the diagnosis might explain some of the inconsistencies in the appellant's account i.e. that the appellant should be treated as vulnerable.
6. Unfortunately the judge did not assess the report in that context. He was not obliged to accept it as evidence that the appellant was a vulnerable witness, and to therefore approach his consideration of the oral evidence with that in mind. However he was obliged to engage with the contents of the report and to say why, if that was the case, he did not accept it. Moreover, his summary, that it said that the appellant might possibly have PTSD is not an accurate reflection of the conclusions of the report, which are clear.
7. The second challenge to the determination, in relation to illegal exit risk, has much less merit, but since the matter must be remitted for a judge other than Judge Batiste to make fresh credibility findings, the point is immaterial.
8. The case should be listed in the FTT at Bradford after a period of 8 weeks to allow for an up to date medical report to be produced, with a Farsi interpreter.
9. An anonymity order is made

Signed

Date

Judge of the Upper Tribunal