



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

Appeal Number: AA/02704/2015

THE IMMIGRATION ACTS

**Heard at Field House
On 5 December 2017**

**Decision & Reasons
Promulgated
On 14 December 2017**

Before

**THE HON. LADY RAE
(sitting as a Judge of the Upper Tribunal)
UPPER TRIBUNAL JUDGE JORDAN**

Between

[I B]

Appellant

and

The Secretary Of State For The Home Department

Respondent

Representation:

For the Appellant: Ms E. Fitzsimons, Counsel instructed by Duncan Lewis Solicitors

For the Respondent: Mr S. Kotas, Home Office Presenting Officer

REASONS FOR FINDING AN ERROR OF LAW

1. Mr Kotas on behalf of the Secretary of State has conceded before us that the determination reveals a material error on a point of law in that the First-tier Tribunal Judge failed to have regard to the evidence of the appellant's witnesses and to the expert report of Mr Chacko.

2. We set aside the decision of the First-tier Tribunal and remit the appeal to the First-tier Tribunal for it to be re-made.

We direct

- (i) The Secretary of State is to set out what parts of the appellant's account are conceded to be true or are the subject of sustainable findings of fact made by the First-tier Tribunal Judge that she does not challenge in the re-making of the decision.
- (ii) If the concessions made in (i) above, arise from information provided to the Secretary of State, she is to provide a copy of the document containing the information or a redacted version of it or an extract of the relevant parts.
- (iii) The requirement in (ii) above arises from the respondent's duty of disclosure and fairness, subject to all just reservations.

DECISION

The Judge made an error on a point of law and we set the determination aside.

The appeal is remitted to the First-tier Tribunal to be re-made subject to the parties' agreement as to those matters which are not disputed.

ANDREW JORDAN
JUDGE OF THE UPPER TRIBUNAL
7 December 2017