



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

Appeal Number: AA/03307/2015

**THE IMMIGRATION ACTS**

**Heard at Field House**

**Decision &  
Promulgated**

**Reasons**

**Oral decision given following  
hearing**

**On 28 April 2017**

**On 13 June 2017**

**Before**

**UPPER TRIBUNAL JUDGE CRAIG**

**Between**

**MS AYOT ONGOM  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: In person

For the Respondent: Mr T Wilding, Senior Home Office Presenting Officer

**DECISION AND REASONS**

1. The appellant in this case is a citizen of Uganda who was born in 1972. She applied for asylum but the respondent refused her application and made a decision to remove her from the UK. She appealed against this decision and her appeal was heard before First-tier Tribunal Judge Howard sitting at Harmondsworth on 28 July 2016. In a decision and reasons promulgated some four months later on 21 November 2016 Judge Howard dismissed her appeal.

2. The appellant now appeals to this Tribunal permission having been granted by Deputy Upper Tribunal Judge Symes on 14 March 2017.
3. At the hearing today on behalf of the respondent Mr Wilding very fairly accepted that it was very difficult for the respondent to defend this decision. While Mr Wilding contended that contrary to what Judge Symes had considered at paragraph 1 of his reasons, Judge Howard had not actually found that the appellant had been detained and ill-treated, nonetheless he accepted that he had made no findings whatsoever rejecting the documents which the appellant had provided from her lawyer in Uganda or documents which are contained elsewhere within the bundle. These documents are contained from pages 137 through to 149 of the appellant's bundle. The judge notes this but does not make any findings regarding these documents.
4. The only reference made by the judge to the documents after paragraph 28 is at paragraph 33 when he says that "when weighing these matters against the evidence of the appellant and the documents she produces I do not find the appellant to have been a credible witness". As Mr Wilding very fairly noted that the judge did not even mention the leading case of *Tanveer Ahmed*, let alone apply it and accordingly he had made no finding as to how these documents should be treated. Mr Wilding accepted that this case required these documents to be properly scrutinised and considered amongst all the evidence before any credibility findings are made.
5. This fed into the point made by Judge Symes when granting permission, that is relating to the appellant's evidence which had not been considered with regard to what her husband's position currently was in Uganda. For these reasons Mr Wilding accepted that there was an error of law in Judge Howard's determination and that this was a material error.
6. I agree. It follows that the appeal will have to be reheard and in all the circumstances there will have to be a complete rehearing and I will remit the appeal to Hatton Cross for this purpose.

### **Decision**

**The decision of First-tier Tribunal Judge Howard is set aside as containing a material error of law. This appeal will be remitted to Hatton Cross where it will be reheard by any judge other than First-tier Tribunal Judge Howard. No findings of fact will be retained.**

No anonymity direction is made.

Signed:

A handwritten signature in black ink on a light blue background. The signature reads "Ken Craig" in a cursive, slightly slanted script. The "K" is large and the "C" in "Craig" is particularly prominent.

Upper Tribunal Judge Craig

Dated:  
9 June 2017