



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

Appeal Number: PA/06102/2016

**THE IMMIGRATION ACTS**

**Heard at Bradford**

**On 1<sup>st</sup> August 2017**

**Decision & Reasons  
Promulgated**

**On 9<sup>th</sup> August 2017**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE D E TAYLOR**

**Between**

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

Appellant

**and**

**MR MAMADOU DIALLO  
(ANONYMITY DIRECTION NOT MADE)**

Respondent

**Representation:**

For the Appellant: Mrs R Pettersen, Home Office Presenting Officer

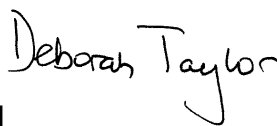
For the Respondent: Ms S Khan, Counsel, instructed by Morgan Dias

**DECISION AND REASONS**

1. This is the Secretary of State's appeal against the decision of Judge O'Hanlon made following a hearing at Bradford when she allowed the claimant's appeal against the decision of the Secretary of State to refuse him asylum in the UK.
2. It is the Secretary of State's case that the claimant is one Salieu Jalloh, born on 1<sup>st</sup> January 1984 and a national of Sierra Leone.

3. The Secretary of State relies on two previous entry clearance applications made by that individual in 2010. The first application for a visit visa was refused but the second was issued. The application details were in the papers before the judge and record that biometrics were received and recorded and checks started and all results received. It is the Secretary of State's case that there were no issues in relation to the passport which lawfully belonged to the claimant.
4. The fingerprints taken by the claimant match those on the entry clearance applications.
5. The judge set out the evidence and concluded that the claimant had been able to give consistent and accurate answers in relation to questions about Guinea, where he says he is a national. She accepted that the claimant was not aware of the circumstances of the Sierra Leonean applications because he had been taken there by a friend and had not been in control of the circumstances relating to that application.
6. I am satisfied, in spite of Ms Khan's submissions, which were that the challenge to the decision amounted to a mere disagreement with it, that the judge did not adequately engage with the evidence. It was incumbent upon her to set out clearly why she considered that concisistency in the answers at interview outweighed the evidence that the claimant had produced a genuine Sierra Leonean passport. Moreover there were a number of other credibility issues raised in the reasons for refusal letter which were not addressed. Moreover she appears to have allowed the appeal on the basis that the claimant had been subject to arrest and ill-treatment and detention in Guinea in 2010 without considering whether he would be at risk on return at the date of hearing.
7. The judge erred in law by failing to consider all evidence relevant to the decision. It is set aside. It will have to be remade by a judge other than Judge O'Hanlon at a date to be fixed in Bradford. A Fula interpreter is required and the Secretary of State is directed to re-serve her bundle, which is in a state of confusion, on the Tribunal and the claimant's representatives fourteen days before the hearing

No anonymity direction is made.



Signed

Date 8 August 2017

Deputy Upper Tribunal Judge Taylor