



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

Appeal Numbers: PA/05578/2016

**THE IMMIGRATION ACTS**

**Heard at Field House**

**On 27<sup>th</sup> March 2018**

**Decision & Reasons  
Promulgated  
On 08<sup>th</sup> May 2018**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE DAVIDGE**

**Between**

**AV  
(ANONYMITY DIRECTION MADE)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Mr P Haywood, instructed by Duncan Lewis solicitors

For the Respondent: Mr D Clarke, Senior Home Office Presenting Officer

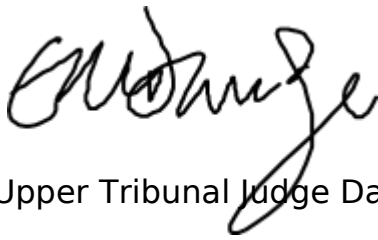
**Notice of Decision**

1. Rule 40(3) of the Tribunal Procedure (Upper Tribunal) Rules 2008 (SI 2008/2698 as amended) applies to this decision.
2. The appeal concerns an Asylum claim. Both parties were agreed that the judge fell into error in assessing credibility. The judge took a wrong approach to the medical evidence, not least, when she stated that she put no weight on the medical evidence, in effect stepping into the shoes of the expert and failing to acknowledge the diagnosis of PTSD. The parties were agreed that whilst, for the reasons set out in the grant of permission,

adverse credibility findings were open to the judge on the evidence, it is not possible to know how a proper approach to the medical evidence would have affected the judge's credibility conclusions, so that none of the factual findings can stand.

3. By consent the appeal to the Upper Tribunal is allowed as follows:
- (a) the First-tier Tribunal's decision is affected by error of law.
  - (b) the First-tier tribunal decision is set aside, with no factual findings preserved.
  - (c) the appeal is remitted to the First-tier Tribunal to be reheard de novo by a judge other than Judge Chana.

Signed



Date

28/08/2018

Deputy Upper Tribunal Judge Davidge