



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

Appeal Number: PA/13315/2017

THE IMMIGRATION ACTS

Heard at Newport

On 20th November 2018

Decision & Reasons

Promulgated

On 13 December 2018

Before

UPPER TRIBUNAL JUDGE KING TD

Between

GMAB

and

Appellant

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms M Butler of Counsel, instructed by the Migrant Legal Project Cardiff

For the Respondent: Mr C Howells, Home Office Presenting Officer

DECISION AND REASONS

1. The appellant is a citizen of South Sudan who arrived in the United Kingdom on 10th October 2014 and claimed asylum on 26th November 2015.
2. The application for asylum was refused by the respondent by a decision of 29th November 2017. The appellant sought to appeal against that decision, which appeal came before First-tier Tribunal Judge Suffield-Thompson at a hearing on 10th April 2018. In a determination promulgated on 16th April 2018 the appeal was dismissed.

3. The appellant sought to appeal against that decision and lodged detailed grounds of challenge. Leave to appeal to the Upper Tribunal was granted. Thus the matter comes before me.
4. In essence the appellant had a job working as a media monitoring officer who would write a report for the minister. He also set up with friends a website called info@southsudantribune.com where he would write and edit newspaper articles critical of the Sudanese government. At the relevant time he had the support of a particular minister of the government and he was sponsored to study in the United Kingdom.
5. Whilst in the United Kingdom, however, the government in South Sudan underwent changes. He was alerted to the fact that his previous critical comments about the government may not be well received. Indeed that he may be in danger.
6. It would also seem, on the basis of evidence produced at the hearing, that his ethnicity as a member of the Kakwa clan would render him now more liable to persecution than previously might be the case.
7. The grounds of challenge are set out in detail and I do not propose to address them in great detail because it was most fairly conceded by Mr Howells on behalf of the Secretary of State that, notwithstanding the nature of the Section 24 notice that was submitted, he accepted that there were material errors of law in the approach taken by the Judge.
8. Just by way of example the Judge did not believe that the appellant had submitted the reports to the website as claimed, stating that the e-mails relied upon were only private e-mails. It is clear from looking at the e-mails as produced that they were copied certainly to the particular website. Criticism was also made that the nature of the claim had moved from that of fearing persecution because of the media monitoring to persecution as a member of the Kakwa clan. The Judge considered that that undermined credibility and that it was an attempt to boost a claim to remain.
9. It is clear that there is expert evidence which was not fully addressed by the Judge, which showed a deteriorating situation in Southern Sudan over recent years and that there is indeed a very active persecution of that particular clan going on. Such was very relevant both to the issue of asylum and to humanitarian protection and Mr Howells most fairly conceded that the Judge had not properly addressed those issues in the determination.
10. In the circumstances I find that the decision of the First-tier Tribunal Judge contained material errors such that it should be set aside. All issues should be remade by the First-tier Tribunal upon a de novo hearing. In accordance with the Senior President's Practice Direction I remit the

matter to the First-tier Tribunal for that to happen. Any directions should be a matter for the Tribunal to issue in due course although I did ask the parties to produce a comprehensive bundle of documents for that hearing.

Decision

11. The First-tier Tribunal decision is set aside. The appeal will be remitted to the First-tier Tribunal for a de novo hearing on all issues.

Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until a Tribunal or court directs otherwise, the appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him or any member of their family. This direction applies both to the appellant and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.

Signed 

Date 12 December 2018

Upper Tribunal Judge King TD