



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

Appeal Number: PA/05152/2018

THE IMMIGRATION ACTS

**Heard at Field House
On 1st February 2019**

**Decision & Reasons
Promulgated
On 6th February 2019**

Before

UPPER TRIBUNAL JUDGE JACKSON

Between

**PR
(ANONYMITY DIRECTION MADE)**

and

Appellant

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms J Rothwell of Counsel, instructed by Theva Solicitors
For the Respondent: Mr S Walker, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The Appellant appeals against the decision of First-tier Tribunal Judge Walker promulgated on 31 October 2018, in which the Appellant's appeal against the decision to refuse her protection and human rights claims dated 20 March 2018 (served on 4 April 2018) was dismissed.
2. Permission to appeal was granted on two grounds, first, that the First-tier Tribunal had failed to attach sufficient weight to the medical evidence available and in particular failed to give valid reasons for reducing the

weight to be attached to the report of Dr Dhumad. Secondly, the First-tier Tribunal had failed to attach sufficient weight to the evidence of sur place activities and selectively used such evidence to undermine the medical evidence.

3. At the oral hearing, after hearing submissions on behalf of the Appellant, Mr Walker appropriately conceded that there was a material error of law on both grounds of appeal for the reasons set out in the grounds of appeal and oral submissions. For the same reasons, I find a material error of law on both grounds such that the decision of the First-tier Tribunal must be set aside and the hearing remitted for de novo consideration of the appeal
4. The parties consented to a decision without reasons pursuant to Rule 40(3)(b) of the Tribunal Procedure (Upper Tribunal) Rules 2008 and therefore no further reasons are given in writing for this decision.

Notice of Decision

The making of the decision of the First-tier Tribunal did involve the making of a material error of law. As such it is necessary to set aside the decision.

I set aside the decision of the First-tier Tribunal.

The appeal is remitted to the First-tier Tribunal (Taylor House hearing centre, transferred from Hatton Cross to allow Counsel to continue representing the Appellant who is in any event nearer to Taylor House) to be heard de novo by any Judge except Judge Walker.

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

1st February 2019

Upper Tribunal Judge Jackson