



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

Appeal Number: PA/07124/2018

THE IMMIGRATION ACTS

**Heard at Bradford
On 18 February 2019**

**Decision & Reasons Promulgated
On 12 March 2019**

Before

DEPUTY UPPER TRIBUNAL JUDGE DAVEY

Between

**[B B]
(ANONYMITY ORDER NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr G Brown, counsel instructed by Parker Rhodes
Hickmotts Solicitors

For the Respondent: Ms R Pettersen, Senior Presenting Officer

DECISION AND REASONS

1. The Appellant, a national of the Democratic Republic of Congo, date of birth 20 June 1988, appealed against the Respondent's decision, dated 31 May 2018, to refuse a protection/Humanitarian Protection claim. His appeal came before First-tier Tribunal Judge Hillis (the Judge), who on 19 July 2018, dismissed his appeal. Permission to appeal was granted on 10

August 2018 and the Respondent made a Rule 24 response on 28 September 2018.

2. The gravamen of the complaint was that the Judge's reasoning failed to address elements of the evidence and/or gave inadequate reasons why the Appellant's credibility was rejected.
3. Ms Pettersen argued that essentially the Judge had done enough and that paragraphs [D41 and 42] show why the judge concluded that the Appellant was not a reliable witness of fact as to the extent of his involvement in a company called 'Exposure' whose offices were the subject of attack in Kinshasa at the material time.
4. In addition, it was said that the Judge has failed to adequately reason why it was rejected that the Appellant was involved in the management and running of Exposure, that being a basis on which he identified the likelihood of his identity and job within the company being known to the authorities, making him readily identifiable and at risk. In addition, the Appellant had argued his involvement in the production of or distribution of leaflets perceived as against the authorities in the DRC and that the distribution of them posed in their own right a risk because the leaflets contained a logo for Exposure and the company address would be identifiable.
5. I agreed with Mr Brown that there are aspects of this case which through the process of hearing the appeal on error of law grounds raise the concern that the decision was not a document which could be read and stand as an entire document. Rather if the Judge did consider matters he did not address them in the decision or if he did not consider them it undermined the reasoning which the Judge gave for concluding that the Appellant was not reliable as to the claimed need for protection. I concluded that there was substance in these grounds.

DECISION

The Original Tribunal's decision on the protection claim and the claims under Articles 2 and 3 ECHR do not stand. The matter will have to be reconsidered in the First-tier Tribunal

All grounds may be argued. No findings of fact are to stand at a renewal hearing.

DIRECTIONS

- (1) Relist in the First-tier Tribunal, Bradford.
- (2) Two hours' time estimate.
- (3) List before any Judge other than First-tier Tribunal Judge Hillis.
- (4) French interpreter required.
- (5) The Appellant is the sole witness at present but if any additional witnesses are to be called, particulars of their nationality and status in the UK, if they are foreign nationals, must be given to the Home Office in advance of the hearing.
- (6) Any additional papers and material relied upon to be served not later than ten clear working days before the further hearing.
- (7) Any further directions required application should be made to the Resident Judge at Bradford for either a CMRH or a PTR.

ANONYMITY

No anonymity order is made at this stage.

Signed
Deputy Upper Tribunal Judge Davey

Date 26 February 2019