



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

Appeal Number: PA/12948/2018

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 14<sup>th</sup> June 2019**

**Decision & Reasons Promulgated  
On 01<sup>st</sup> July 2019**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE DAVIDGE**

**Between**

**MF  
(ANONYMITY DIRECTION MADE)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Mr J Bandegani (Counsel) instructed by MTC and Co Solicitors

For the Respondent: Mr L Tarlow Senior Home Office Presenting Officer

**DECISION AND REASONS**

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

1. Anonymity having previously been ordered in the First-tier Tribunal and there being no application to remove the order, I see no reason to do so and the order remains in place. 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.

2. The Appellant appeals the decision of First-tier Tribunal Judge promulgated on 12<sup>th</sup> April 2019 whereby he dismissed the appeal against the decision to refuse to grant asylum or ancillary protection.
3. Permission to appeal was granted at the First-tier Tribunal by Judge Saffer on 10<sup>th</sup> May 2019 including on the basis that it was arguable that the First-tier Tribunal Judge had rejected the credibility of the appellant before taking account of the medical evidence contrary to the guidance of Mibanga [2005] EWCA Civ 367. At the hearing before me Mr Tarlow conceded that the ground was made out on the face of the decision. In those circumstances I indicated that I found an error of law established and set the decision aside. The parties were in agreement that the case needs a complete rehearing with a fresh look at credibility and factual findings. In those circumstances the representatives were agreed that I provide, as per Rule 40 of the Tribunal Procedure (Upper Tribunal) Rules, a summary de novo remittal decision without reasoning.

### **Decision**

4. The decision of the First-tier Tribunal reveals an error of law such that it cannot stand. I set it aside and I remit the appeal de novo to the First-tier Tribunal.

Signed

Date 27 June 2019



Deputy Upper Tribunal Judge Davidge