Upper Tribunal
(Immigration and Asylum Chamber) Appeal Number: PA/12970/2017

THE IMMIGRATION ACTS

At: Field House	**Decision & Reasons Promulgated**
On: 5th November 2019	**On: 19th November 2019**

Before

UPPER TRIBUNAL JUDGE BRUCE

Between

EA
(anonymity direction made)

Appellant

And

The Secretary of State for the Home Department

Respondent

For the Appellant: **Mr Lewis, Counsel instructed by Wilson Solicitors LLP**
For the Respondent: **Ms Jones, Senior Home Office Presenting Officer**

DECISION AND DIRECTIONS

1. The Appellant is a national of Nigeria born in 1974. He appeals against the decision of the First-tier Tribunal (Judge S.Y Loke) to dismiss his appeal on protection and human rights grounds.

2. That appeal before the First-tier Tribunal was against the Respondent's decision of the 22nd November 2017 to deport the Appellant on the grounds that he is a serious criminal. Between 2006 and 2016 the Appellant accrued 9 convictions for 30 offences – during that period he was sent to prison on two occasions, once for 18 months, and on another occasion for 6 months. He was served with notification of his liability to deportation on the 26th April 2016. Three months later, on the 22nd July 2016, he was once again convicted, receiving 16 months' imprisonment for various fraud offences. During the entirety of that spree the Appellant has never had leave to remain. He came to this country in 2002 as a student and overstayed his visa. Against that background the Respondent argued that it was strongly in the public interest for the Appellant to be deported to Nigeria.

3. The Appellant's case before the First-tier Tribunal rested on three planks. First, he submitted, he had a genuine and subsisting parental relationship with his British son, and it would be unduly harsh for that child should his father be removed from the jurisdiction: this was the Article 8 ECHR ground. Second, he submitted that it would be contrary to humanitarian principles to deport him because he would suffer inhumane and degrading treatment in Nigeria, since he is HIV+ and suffers from sleep apnoea: this was his Article 3 ground. Finally, he argued that he had a well-founded fear of persecution in Nigeria for reasons of his membership of a particular social group, viz homosexual men: this was his protection ground.

4. The First-tier Tribunal found as follows.

5. In respect of Article 8 the Tribunal accepted that the Appellant has a son in this country and that he has a genuine relationship with that child, seeing him once or twice per week. It does not appear to have been in issue that the child is British. The Tribunal found that although the boy lives with his mother, his father does have a "relatively significant" role in his life because his younger brother suffers from ADHD, which requires a lot of their mother's time and attention. In light of that the Judge accepted that the Appellant's deportation would have a detrimental affect on his son. He was not however prepared to accept that this harm reached the high threshold required to demonstrate that it would be 'unduly harsh' for the boy to remain in this country without his father. The appeal was accordingly dismissed on Article 8 grounds. Although those findings were challenged in the application to appeal to this Tribunal, permission to do so was refused by both First-tier Tribunal Judge Ford (2nd September 2019) and Upper Tribunal Judge Stephen Smith (26th July 2019). Mr Lewis did not seek to re-open those findings before me and they are therefore to stand.

6. Whilst the First-tier Tribunal accepted that the Appellant is HIV+ and requires medication, it was not satisfied that his removal would result in suffering reaching the high threshold required in medical cases: see N [2005] UKHL 31. That finding is not challenged and is to stand. Mr Lewis did however reserve the right to make submissions about the effect of the Appellant's medical needs in the context of any internal flight assessment.

7. In respect of protection the Tribunal heard evidence from the Appellant that he had come to the realisation that he was gay when he was still at school in Nigeria. He had a number of sexual relationships whilst living in Kano. In approximately 2000 the Appellant and his boyfriend Edgar were arrested in a gay club/cinema; he states that he was beaten up and detained. Upon conviction he was sentenced to two years in prison. It was as a result of this conviction that the family lost a lot of friends and started to suffer ostracization and abuse. Edgar's family blamed the Appellant and threatened him. When he was released his parents suggested that he come to the United Kingdom. The Appellant testified that since he came to this country he has managed to establish himself 'on the gay scene'.

8. The First-tier Tribunal rejected that account. Whilst it accepted the evidence of a doctor that the Appellant had scars because he had been beaten, it was not prepared to accept that these injuries occurred in the circumstances described by the Appellant. It found there to be a number of significant discrepancies in the account. These included:

    - Whether his first homosexual experiences (with an older boy at school) were consensual or not [FTT §25]
    - That the Appellant failed to mention Edgar – or an earlier lover Coleman – in his witness statement [§26-27]
    - What the length of his prison sentence was [§28]
    - Whether his mother knew why he was arrested [§29(a)]
    - Why his siblings would not want to know the reason for his detention [§29(b)]
    - When and whether the mother of his son was aware of his sexual orientation [§29(c)/(d)]

    The Tribunal further commented that there was no corroborative evidence to support the Appellant's claims, and taking all of that into account, found him to have failed to discharge the burden of proof.

9. In appealing to this Tribunal the Appellant submits, and has permission to argue, that in reaching those adverse credibility findings the Tribunal made mistakes of fact which fundamentally undermine its conclusions. That was the issue before me at the 'error of law' hearing on the 29th August 2019.

Error of Law

10. The Appellant's evidence was set out before the Tribunal in the following documents:

    i) Handwritten letter drafted by Appellant dated the 4th November 2016 [annex N Respondent's bundle]
    ii) Screening interview dated the 28th June 2017 [annex P]
    iii) Asylum interview dated 17th August 2017 [annex Q]
    iv) Typed witness statement submitted under cover of solicitor's letter dated the 18th August 2017 [annex R99-R134]
    v) Further typed statement dated the 16th March 2019 [pages 17-50 Appellant's bundle

11. Mr Lewis explained that the item at (i) was written by the Appellant without the benefit of legal advice or assistance, whilst he was in detention, the day after he had claimed asylum. It was written by him to supplement what is referred to in the Respondent's index as a 'preliminary information form'.

12. At paragraphs 26-27 of its decision the First-tier Tribunal says this:

> "26. The Appellant's account regarding Edgar is also problematic. In his statement at RB-R99 the Appellant states that he was in a relationship with Edgar for 2 years prior to his arrest. Previously he was in a relationship with a male called Coleman for 2 years. In interview the Appellant confirms that it was due to being caught with Edgar in a cinema that led to his conviction for homosexuality in 1999/2000 (Q50). The Appellant stated that Edgar admitted to their homosexual relationship, which led to more intense torture (Q54). The Appellant also states in his interview that he feared reprisals from Edgar's family (Q77). **Crucially in my view, there is absolutely no mention of Coleman or Edgar at all in the Appellant's statement of 4 November 2016** at RB-N10. This is despite the Appellant giving an account of his more casual relationships with men he met at the red light district. **I would expect that both Coleman and Edgar would have been mentioned in the circumstances**.
>
> 27. **Even more surprisingly, in the 2016 statement the Appellant gives an account of his arrest at a gay cinema and makes absolutely no mention of Edgar at all**. Given the significance of Edgar in the Appellant's life at the time, and the fact that they were arrested together, Edgar's confession and the problems that the Appellant faced from Edgar's family, **I find it incredible that he is not mentioned at all in the 2016 statement**. When this lacuna was put to

> the Appellant his response was simply that he could not remember why he did not mention Edgar. **I find this inconsistency has not been adequately addressed and that it again goes to a core plank of the Appellant's case and damages his credibility**".
>
> (emphasis added)

13. Mr Lewis submitted that the Tribunal made two errors of fact in this analysis. The first is that Coleman *is* specifically mentioned in the 2016 statement. The second is that although it is correct to say that Edgar is not named, it is clear from the statement that the Appellant was arrested with at least one other individual. Given that the statement was a preliminary statement of case, drafted in person from a cell, and that Edgar features in all subsequent statements of the evidence, the Tribunal erred in failing to take those matters into account when it weighs against him the failure to mention the detail of Edgar's name.

14. I am satisfied that the Tribunal did err in fact at its paragraph 26 when it finds that Coleman is not mentioned in the Appellant's November 2016 statement. At N11 of that statement the Appellant states that he had a "secret gay relationship" during his university days with a "friend called Coleman".

15. The reference to Edgar is not so specific:

> "In the year 1999 a very huge anti-homosexual raid was launched at a favourite gay cinema in Kano called Marhaba cinema. The Islamic police called Hisbah committee came there with members of the state police and anti robbery squad. I was present at this raid and was arrested for homosexual activities.
>
> **We** were taken to the headquarters of the state security service….

16. Whilst I agree with the Respondent that this section does not expressly mention Edgar I am prepared to accept that it is a reference to the Appellant being arrested with another person. This was an initial statement and I note that much of it is concerned not with past events in Nigeria, but with the Appellant's lifestyle since he arrived in the United Kingdom. In the circumstances it is unsurprising that he did not record all of the details that might later assume significance. I further note that the terms in which the Appellant here expresses himself are mirrored in his asylum interview, some 9 months later [at Q50 AIR]:

> "Around 99/00 I was arrested for being in a gay club/cinema with a guy I was seeing at the time, Edgar….
>
> **We** were taken to HQ state security service of the NGA police"

17. I am therefore satisfied that the Tribunal did make a mistake of fact about the contents of the November 2016 statement. The question remains whether that is an error such that the decision must be set aside.

18. Mr Melvin, who represented the Respondent at the hearing on the 29th August, pointed to the various other credibility points taken by the Tribunal against the Appellant. He rightly submitted that this was only one amongst several matters that the Tribunal found to weigh against the Appellant in its assessment of his credibility. I have taken that into account. I am however satisfied that in this particular case the errors of fact do go to the heart of the Tribunal's findings, and for that reason the decision (insofar as it relates to protection) must be set aside. I so find first because the Tribunal itself makes it clear that these adverse points were central to its assessment: Judge Loke describes the failure to mention the names as "crucial" and "core" to the case. Second, it is axiomatic that where one element of a rounded credibility assessment is set aside it is very difficult, if not impossible, to safely extract the remaining findings intact: see for instance Tewedros Tadesse Haile v Immigration Appeal Tribunal [2001] EWCA Civ 663 [at §25]. All of the remaining points relied upon by Mr Melvin could, for instance, have gone the other way had the Tribunal been satisfied that the core of the account had been consistently expressed from day one.

19. In my written decision of the 30th August 2019 I therefore set the decision, insofar as it relates to the protection claim and the Appellant's claimed sexuality, aside to be remade. Since the remainder of the First-tier Tribunal findings remain undisturbed I did not consider that it would be appropriate to remit this matter to the First-tier Tribunal.

The Re-Made Decision

20. The hearing resumed on the 5th November 2019. The Appellant attended with four additional witnesses. These witnesses were the mother of his child, plus three friends who have all known the Appellant since childhood. I indicated at the hearing that I would anonymise the identity of these witnesses, in line with the general order for anonymity made in respect of the Appellant. I will therefore refer herein to the mother of the Appellant's son as 'M' and to the friends as F1, F2, and F3. Each of these witnesses were cross-examined in detail by Ms Jones. I have kept a full verbatim note of their evidence but have not considered it necessary to reproduce it here, where I shall simply summarise the evidence given.

21. The Respondent confirmed at the outset that the only matter in issue was whether the Appellant is gay. If he is, and the account of past persecution is accordingly found to be made out, then the Respondent accepted that the

appeal must be allowed on protection grounds, the exception to automatic deportation at s33(2)(b) being engaged.

22. The Respondent had produced a detailed refusal letter, upon which Ms Jones was able to rely. In essence the decision maker had looked at the statements and interviews provided by the Appellant and found them to contain material discrepancies in respect of when the Appellant realised he was gay, the extent to which he has lived an outwardly gay lifestyle vis-à-vis his attempts to be 'discreet', and about who in his family knew what and when. I accept that the Appellant's evidence has not been entirely clear. His account, for instance, of his first sexual encounter with a boy (an older boy at school) was on the one hand an assault (witness statement) and on the other hand consensual (SEF). He claims to live an 'out' lifestyle in London, attending bars clubs and social events on the 'gay scene', whilst at the same time maintaining a level of discretion whilst with his Nigerian friends and associates. He was unclear about who exactly his family arranged the bribe that got him out of jail in Kano.

23. Having heard from the witnesses I am left in no doubt at all that the discrepancies and apparent tensions in the Appellant's own evidence arise from the fact that he has, as his close friends consistently put it, spent his entire life pretending to be straight when he is in fact gay. That internal struggle has, perhaps inevitably, led to confusion in his own mind about his identity, and about certain life events. I do not regard that tension as being something capable of undermining the powerful evidence of the witnesses, in particular that of F1, F2 and F3. It is perfectly plausible that the Appellant behaves in a discreet way amongst some of his friends, whilst at the same time feeling able to be open about his sexuality in other circles. The fact that he has that freedom in London is what permits him to express that innate characteristic, and to give him the opportunity to exercise his core human right to found and have relationships with others.

24. The evidence of the witnesses, upon which I base my decision, was as follows.

25. M did not strike me as being a very willing witness. She obviously felt uncomfortable discussing matters that were private to her and to the Appellant, particularly in such a public forum. She explained that she had met the Appellant through friends and it had struck her from an early stage that he could be gay. That was because of the way that he carried himself, the way he took care of his appearance and the fact that he used cosmetic products, which she found unusual in a man.

26. They did not really ever have a relationship as such. It was simply that she had gone round to where he was living with his mother to see him because it was his birthday, they had had too much to drink and one thing had led to another. She did not really remember much about it. She discovered that she was pregnant only five days later - she was having tests done because she was

suffering from a urine infection and they told her she was pregnant. She was shocked and upset. In her culture you are expected to be married before you have a baby so she knew that her family would not be happy. She did in fact arrange for the pregnancy to be terminated but the procedure was abandoned because her doctor told her that she had already miscarried. By the time that she found out that she had not miscarried it was too late.

27. She had no contact with the Appellant at all when she was pregnant. When she was in labour her sister called the Appellant's mum and got her to come to the hospital. After the baby was born the Appellant's mother had insisted that she and the baby come to live with her. M said that this was difficult for the Appellant. He was extremely depressed and really didn't want to get married. He was really struggling with the whole situation. M said that she didn't really care about that because she had no desire to marry him, but she was furious with herself for being in that situation. They were both under a lot of pressure from their respective families and it was difficult to see a way out.

28. One night they had an argument. It was clear he didn't want to be with her and that he felt trapped. He just blurted out that he couldn't be with her because he was gay. Even though she had always had her suspicions M was shocked. There she was, sleeping at his mother's house, this father of her son, and he had just told her that he was gay. M did not react well to this news. She did something which she really, really now regrets. She went on Facebook and created a false profile using the Appellant's details, and announced on the home page 'I am gay". She explained that it was her regret for this action which motivated her to come to the hearing before me. Looking back she knows that she was lashing out because she was in a very difficult situation herself. She was angry with herself for having got into this mess. She knows it was wrong, and very much regrets any difficulties that this action caused for the Appellant. Mr Lewis confirmed that this fake profile was later removed by Facebook at the Appellant's request: he directed my attention to correspondence between the Appellant and Facebook in respect of that matter.

29. F1 was an impressive an articulate witness who answered all of the questions put to him in an unhesitant and straightforward manner. He has known the Appellant since they were 16 years old, having met at Zaria State university in Nigeria. He said that at the time it had not crossed his mind that the Appellant was gay, since there was "no such option" in Nigeria – everyone was straight. Looking back with hindsight, F1 can however say that the Appellant's behaviour at the time was consistent with him struggling with his sexuality. He was tall and sporty, so could quite easily have got girls, but he never did. If anything, he appeared to be asexual; other boys regarded him as a "bit of a wimp".

30. The first time that F1 really thought about it was many years later in about 2000. He was living in London at the time and he received a phone call from a mutual

friend of theirs called Akin. This guy told him that the Appellant had been arrested by the Hisbah force at a cinema in Kano. The information that the Appellant had been rounded up spread quickly – they (i.e. the circle of friends) all knew, everybody knew, so did their parents. The Appellant's friends were extremely concerned. It was very bad news. They all knew that this police force were not known to be a pleasant bunch: ill treatment would come as standard. They had real doubts about whether the Appellant would make it out alive. They heard that he was being beaten with electric cables, hung upside down and whipped. Ms Jones put it to F1 that he had not mentioned this level of ill-treatment in his 2017 letter of support. F1 explained that as young boys in Nigeria they had all been beaten, brutalised, at school. It was the way things were. He had not specifically mentioned hearing about the electric cables because that was just 'taken as read' with a period of incarceration in Nigeria at that time.

31. The next time that F1 saw the Appellant they were both in London. It was June or July 2002 and they were both attending the 'Lovebox' festival in Bethnal Green. After this they resumed the friendship they had had in Zaria. They would see each other socially as part of a large group of friends. One afternoon in 2010 they had all been out for lunch and F1 found himself sitting at the end of the table, a little way from the rest of the group, with the Appellant. He didn't pre-plan it but he found himself wanting to let the Appellant know that it was OK if he was gay, and that he would not judge him. He didn't want to come out and say it directly so he just asked him if he had been "doing the Vauxhall thing", by which he meant visiting the gay bars and clubs in Vauxhall. The Appellant just looked slightly embarrassed and agreed that he had. F1 left it at that: it was uncomfortable and he did not feel the need to make the Appellant say anything else. It was understood between them that the Appellant was leading a separate 'out' gay life in London, away from his Nigerian friends, and that this was OK with F1.

32. It was subsequently brought to F1's attention that the Appellant was living with another secret that he did not want to share with his friends. When he was arrested he had asked another mutual friend, F3, to go to his flat in London and sort out his stuff. Whilst F3 was there he had found a letter from a HIV clinic. F3 called F1 and F2 to discuss it. It was a bit of a blow – in those days a diagnosis like that was a death sentence. The friends were all in shock. They didn't want to confront the Appellant, or to let him know that they had obviously come across something very personal, but at the same time they wanted him to know that they would all be there for him. It was a difficult decision for the group of friends to make, but since he had been sent to prison they decided to leave it for now and not say anything. They were however extremely worried that he might try and take his own life.

33. F1 was asked to comment on the conclusion reached by the Respondent, that the Appellant has invented this account in order to avoid being returned to

Nigeria. F1 said that he could understand why the decision maker came to that conclusion given the poor choices that the Appellant had made (i.e. committing the offences) but ironically it was the other way around: the truth is that the Appellant has spent his whole life pretending to be straight. For a Nigerian from Kano to pretend to be gay was nonsensical – it would be like pretending to be a Jew in 1940s Poland. You just wouldn't do it. Nigerian society is so hostile to the notion there is no way that someone would expose themselves to that. Ms Jones put it to F1 that the fact that the Appellant had had a child was inconsistent with his claim to be a gay man. F1 rejected the suggestion that there was any inconsistency. In a society such as Nigeria, where being openly gay simply isn't an option, most gay men are married with children.

34. F2 is a medical doctor practising in the United Kingdom. He is a GP and in his evidence in chief confirmed that he understood the importance of telling the truth. I accept that F2 is plainly aware of his responsibility to this court and to his professional body, and this fortified my conclusion that he was a wholly credible and honest witness.

35. F2 has known the Appellant since they were schoolboys – about 30 years. He has had contact with him intermittently since then but now regards him as a good friend. F2 did not give evidence before the First-tier Tribunal because the Appellant did not ask him. He had however taken the day of from work to attend today because he understands how important it is.

36. F2 spoke in very similar terms to F1 about the 'unsaid' knowledge that this group of friends have had – they have long known that the Appellant is gay, and that he is HIV+, but they have never felt the need to tell him that they knew, nor for him to confirm it to them. They have just got along as friends. F2's evidence mirrored that of F1 in respect of the friends' discovery that the Appellant was HIV+. Whilst sharing a flat with the Appellant he had used the Appellant's laptop one day and seen lots of screens open on gay dating/escort websites. This had confirmed for him what he already suspected. F2 has never known the Appellant to be in a relationship with a woman, nor even to show an interest – he was surprised when he had a child. F2 was not however surprised that the Appellant has behaved in the way he has over the years, in keeping his sexuality hidden from his Nigerian friends: "he has struggled with social norms and expectations for a long time. It is no surprise to me that he would attempt to live a 'normal' life – to fit it with Nigerian society", particularly after what happened to him. That brings me to the most significant element of F2's evidence: his confirmation that in 1999/2000 the Appellant was imprisoned in Nigeria.

37. F2 had heard about the Appellant's arrest in the Marhaba cinema in the same way as F1 – he had received a telephone call from mutual friend F3. The whole town was aware of it- news like that spreads quickly. F2 was told that the Appellant and his friend Edgar had been picked up with others at the Marhaba.

This was a venue which screened films a few nights a week. Lots of *Indigenes* went there but it was also known to be a "gay hang-out". Looking back on it F1 believes that the Appellant and Edgar were in a relationship.

38. F2 had been living in Lagos at the time. When he had gone back to Kano to visit his family he decided to go and see the Appellant. He described the visit as follows:

> "He was in Kano city prison. I saw him in the visitor's room. He was wearing flipflops, a t-shirt and shorts. He looked dishevelled. He had bruises on his face and on his leg a healing scar. He lost quite a bit of weight. He showed me a wound on his chest which looked like a healing burn. He told me it was a cigarette burn"

39. Ms Jones put it to F2 that this level of detail had been omitted from the letter that had served as his witness statement. F2 readily agreed that this was the case, but he had mentioned that he had been to see him in Kano at that time. Like F1, F2 did not regard the fact that the Appellant had been ill treated as remarkable: it was to be expected.

40. F3 is a Deputy Headteacher living and working in London. I found F3 to be a credible and compelling witness, who understood his obligation to uphold his professional standing, and to be a witness of truth to this Tribunal.

41. F3 has known the Appellant longest of all. They were neighbours in Kano growing up, and he has known the Appellant since they were about six years old. Obviously as a young child it had not crossed his mind that the Appellant might be gay, but looking back on it he can see that the Appellant was different. As a young boy he always preferred the company of girls. Older kids in the neighbourhood called the Appellant 'Lollipop' which F3 also adopted as a nickname for him too. It was only later that he came to understand that this was in fact a homophobic slur – a derogatory term for someone "to be licked". F3 expressed his regret for his part in the teasing and name-calling that the Appellant was subjected to growing up.

42. As they entered their teens the Appellant was very sporty and athletic. Girls were clearly interested in him but this was not reciprocated. This was something that F3 had observed at the time but the reason why had not occurred to him: "you have to understand the environment we were in it certainly would not be a conversation you would have".

43. As they grew older the possibility that the Appellant was gay had occurred to F3 but it was only when he was arrested that F3 knew for sure. F3 found out when he received a telephone call from his mother – she told him that the Appellant had been arrested for indecency in the Marhaba cinema. She said that

"I needed to think about the kind of friends I was keeping". It was a real shock that he had been arrested like that.

44. F3's evidence about the Appellant's current behaviour was entirely consistent with that given by F1 and F2. Whilst it is his understanding that the Appellant goes out in London and thus lives a "gay lifestyle", this is not something that they would, as Nigerian men, really discuss. They all know obviously, but they don't see the need to force the Appellant to discuss it – it doesn't need to be said. As to the Home Office concern that the Appellant got a woman pregnant, F3 stated bluntly that this was irrelevant. It made no impact at all on his belief that the Appellant is a gay man. There are plenty of Nigerian men who are gay but are married with a full-blown family. In his concluding remarks F3 said this:

> "I wouldn't come here and lie. He has made poor choices. We have held him to task about that. In terms of his sexuality – it is what it is".

45. The force of this oral evidence was compelling. These three men, all of whom are professionals resident in the United Kingdom, who have known the Appellant for many years, were in no doubt at all that the Appellant is gay; nor did any of them have any doubt that it is his life in London which enables him to express his sexuality in a way that he simply could not safely do in Nigeria. Although each witness was subject to detailed and persistent cross examination by Ms Jones, their evidence was wholly consistent and credible. I therefore find as fact that the Appellant is a gay man who has suffered persecution for that reason, in the form of incarceration, torture, discrimination and social ostracization. Before me Ms Jones confirmed that the only matter in issue was the Appellant's claimed sexuality: if the Appellant can prove that he is gay, his appeal should be allowed. That burden having been discharged, the appeal must be allowed on protection grounds. I am satisfied that this is the appropriate outcome: this is an Appellant who expresses his sexual identity by leading an 'out' life, a life that he could not lead in Nigeria for fear of renewed persecution.

Anonymity

46. This decision discloses that the Appellant is living with HIV. As such I am satisfied, having had regard to the guidance in the *Presidential Guidance Note No 1 of 2013: Anonymity Orders*, that at this stage it would be appropriate to make an order in accordance with Rule 14 of the *Tribunal Procedure (Upper Tribunal) Rules 2008* in the following terms:

> "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, any of his witnesses or any member of his

family. This direction applies to, amongst others, both the Appellant and the Respondent. Failure to comply with this direction could lead to contempt of court proceedings"

Decision

47. The decision of the First-tier Tribunal is set aside to the limited extent identified above.

48. There is an order for anonymity.

49. The appeal is allowed on protection grounds.

Upper Tribunal Judge Bruce
7th November 2019