



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

PA/01544/2020 (V)

THE IMMIGRATION ACTS

Heard by “*Microsoft Teams*”
on 16 June 2021

Decisions and Reasons Promulgated
On 25 June 2021

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

N T S P

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

For the Appellant: Mr S Winter, Advocate, instructed by Katani & Co,
Solicitors

For the Respondent: Ms A Everett, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. The appellant is a citizen of Vietnam, aged 30. He appeals against the decision of FtT Judges Doyle and Komorowski, promulgated on 15 September 2020. His grounds are set out in his application filed on 19 October 2020.
2. On 6 February 2021, UT Judge Jackson granted permission, on the view that arguably the FtT “... failed to properly take into account the psychological report and expert report when assessing ... credibility. In particular, the FtT has arguably not considered the conclusion of the expert that the claim was highly plausible and failed to take into account the country information; or even considered the possibility that even a family member may have no detailed knowledge of the nature of a job ... in the intelligence services ... or any detail of charges against such a person ...”.

3. The Presenting Officer said that while it was easy to see why the panel thought that the appellant gave a weak account, and credibility was for the panel not for any expert, there was force in the argument that the FtT failed to factor the reports and background evidence into its assessment. She made the reasonable concession that there was error of law such as to require a fresh hearing.
4. The decision of the FtT is set aside, other than as record of what was said at the hearing. The case is remitted for a fresh hearing, not before either of the previous judges.
5. An anonymity direction is in place.

Hugh Macleman

16 June 2021
UT Judge Macleman

NOTIFICATION OF APPEAL RIGHTS

1. A person seeking permission to appeal against this decision must make a written application to the Upper Tribunal. Any such application must be **received** by the Upper Tribunal within the **appropriate period** after this decision was **sent** to the person making the application. The appropriate period varies, as follows, according to the location of the individual and the way in which the Upper Tribunal's decision was sent:
2. Where the person who appealed to the First-tier Tribunal is **in the United Kingdom** at the time that the application for permission to appeal is made, and is not in detention under the Immigration Acts, the appropriate period is **12 working days (10 working days, if the notice of decision is sent electronically)**.
3. Where the person making the application is in detention under the Immigration Acts, **the appropriate period is 7 working days (5 working days, if the notice of decision is sent electronically)**.
4. Where the person who appealed to the First-tier Tribunal is **outside the United Kingdom** at the time that the application for permission to appeal is made, the appropriate period is **38 days (10 working days, if the notice of decision is sent electronically)**.
5. A "working day" means any day except a Saturday or a Sunday, Christmas Day, Good Friday or a bank holiday.
6. The date when the decision is "sent" is that appearing on the covering letter or covering email.