



**Upper Tribunal
(Immigration and Asylum Chamber)
PA/13949/2016**

Appeal Number:

THE IMMIGRATION ACTS

Heard at Liverpool

On 15 March 2018

**Decision & Reasons
Promulgated
On 4 April 2018**

Before

**DR H H STOREY
JUDGE OF THE UPPER TRIBUNAL**

Between

**MS C A G
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms N Wilkins, Counsel, instructed by Greater Manchester Immigration Aid Unit

For the Respondent: Mr G Harrison, Home Office Presenting Officer

DECISION AND REASONS

1. The subject of challenge in this appeal is the decision of Judge Hudson of the First-tier Tribunal sent on 24 May 2017 dismissing the appeals of the appellant's mother and son, both citizens of Nigeria, against the decision made by the respondent on 2 December 2016 refusing their protection claims.

2. Since in the course of submissions there was considerable common ground between the parties as to multiple problems with the judge's decision, I can be very brief.
3. The judge's decision is vitiated by legal errors. Many of the judge's findings in relation to the credibility of the appellants are cast in highly subjective - and quite unjudicial - language; see e.g. 28.
4. The judge's treatment of the medical evidence, especially as regards the issue of the causation of the first appellant's scarring, is internally inconsistent and does not reflect a proper treatment of medical reports.
5. Despite having before her a medical report from a Consultant Child and Adolescent Psychiatrist from Salford CAMHS confirming a diagnosis of PTSD and depression, and despite the fact that the second appellant was a minor, the judge nowhere considered treating him as a vulnerable witness pursuant to the Joint Presidential Guidance Note of 2010.
6. These two features alone render the judge's fact-finding unsafe.
7. I would observe that the above flaws in the judge's fact-finding impact on all aspects of the appellants' case. Even if one proceeded on the basis that the appellants' case were taken at its highest, it could not be said that the judge properly assessed the issue of internal relocation, since the issue of the mental health of both appellants would inevitably be relevant to assessing reasonableness of relocation. The same problem afflicts the judge's assessment of the appellants' Article 8 circumstances and in particular the issue of whether there would be very significant obstacles to their re-integration.
8. In the circumstances of this case, none of the judge's findings of fact can be preserved and the case needs to be remitted to the FtT.
9. Like UTJ Perkins, I am not at all sure that the appellants will be able to succeed in their appeals at the next hearing. The ex-husband's role in facilitating the children's reunification with the first appellant in the UK is not indicative of this man posing a continuing threat and in any event, as regards internal relocation, I find it hard to see how the appellants could show this would entail for them a lack of safety. However, that still leaves the "reasonableness" limb of the internal relocation issue as well as the Article 8 claim.
10. To conclude:

The decision of the FtT Judge is set aside for material error of law.

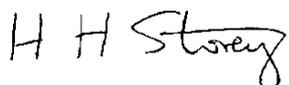
The case is remitted to the FtT (not before Judge Hudson).

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

Unless and until a Tribunal or court directs otherwise, the appellants are granted anonymity. No report of these proceedings shall directly or indirectly identify them or any member of their family. This direction applies both to the appellants and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.

Signed

Date: 20 March 2018

A handwritten signature in black ink that reads "H H Storey". The signature is written in a cursive style with a loop at the end of the word "Storey".

Dr H H Storey
Judge of the Upper Tribunal