



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

Appeal Number: AA/00270/2016

THE IMMIGRATION ACTS

**Heard at Birmingham CJC
On 31 May 2019**

**Decision & Reasons Promulgated
On 21 June 2019**

Before

**UPPER TRIBUNAL JUDGE PERKINS
DEPUTY UPPER TRIBUNAL JUDGE CHAMBERLAIN**

Between

M H Y
(anonymity direction made)

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr J Holt, Counsel instructed by Paragon Law

For the Respondent: Mr D Mills, Senior Home Office Presenting Officer

DECISION AND REASONS

1. Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 we make an order prohibiting the disclosure or publication of any matter likely to lead members of the public to identify the appellant. Breach of this order can be punished as a contempt of court. We make this order because the appellant claims to be a refugee and his identity should not be published before his claim is resolved lest the publicity creates a risk to his safety.
2. This is an appeal against the decision of the First-tier Tribunal dismissing the appellant's appeal against the decision of the Secretary of State refusing him asylum and other forms of protection.

3. The fundamental problem in the Decision and Reasons is that the First-tier Tribunal Judge, although claiming to have considered all of the evidence, made no comment on two reports from medical practitioners, one outlining physical injuries on the appellant which could be thought supportive of his case and the other outlining difficulties with his mental health which may support a decision favourable to the appellant and may illuminate points that have been taken against the appellant as adverse credibility findings.
4. This means that we are of the view that this evidence is too important to be considered in the blanket way indicated and required specific consideration.
5. Mr Mills for the Secretary of State wholly realistically and properly has accepted that is the position and the parties agree that this Decision and Reason is deficient.
6. Further, given that the faults go to the root of the matter on credibility, it is only fair that there is a further hearing in the First-tier Tribunal. That is what the parties want and that is what we agree.

Notice of Decision

7. This decision is set aside for error of law and will be heard again in the First-tier Tribunal.


Signed:
Jonathan Perkins

Judge of the Upper Tribunal

Dated 19 June 2019