



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2024-002378
First-tier Tribunal Nos:
PA/55524/2023
LP/00904/2024

THE IMMIGRATION ACTS

Decision & Reasons Issued:
On the 31 July 2024

Before

DEPUTY UPPER TRIBUNAL JUDGE METZER

Between

AMGA
(ANONYMITY ORDER MADE)

Appellant

and

The Secretary of State for the Home Department

Respondent

Representation:

For the Appellant: None
For the Respondent: Ms A Dolan, Senior Presenting Officer

Heard at Field House on 25 July 2024

Order Regarding Anonymity

Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, [the appellant] (and/or any member of his family, expert, witness or other person the Tribunal considers should not be identified) is granted anonymity.

No-one shall publish or reveal any information, including the name or address of the appellant, likely to lead members of the public to identify the appellant (and/or other person). Failure to comply with this order could amount to a contempt of court.

DECISION AND REASONS

1. The appellant appeals against the decision of the First-tier Tribunal Judge Cas O’Garro (“the Judge”) who in a determination dated 25 March 2024 dismissed the appellant’s appeal against his asylum and humanitarian protection claim.
2. Permission to appeal was granted on three grounds on 19 April 2024 by a First-tier Tribunal Judge (Lawrence). It is unnecessary to consider grounds 1 and 2 in any detail, which relate to the Judge making no reference to the reasons for refusal raised in the Refusal Letter by the Respondent, and that the Judge considered the Documentary Evidence as the primary evidence, embarking on a solitary mission to find alleged inconsistencies within it in order to reject the veracity of the asylum account provided by the Appellant when none of the alleged inconsistencies raised in the Decision were put to the Appellant in the hearing. That is because in regard to ground 3, which asserts that the alleged inconsistencies found in the Decision were not backed up by objective evidence, which Ms Nolan on behalf of the Respondent accepted was a material error of law.
3. I agree and find that the Judge made a material error of law.

Notice of Decision

4. For those reasons, this appeal is allowed.
5. The matter is remitted back to the First-tier Tribunal before any Judge except First-tier Tribunal Judge O’Garro with no preserved findings of fact.

Anthony Metzger KC

Deputy Judge of the Upper Tribunal
Immigration and Asylum Chamber

25 July 2024