



**IN THE UPPER TRIBUNAL**  
**IMMIGRATION AND ASYLUM CHAMBER**

Case No: UI-2024-004693

First-tier Tribunal No: PA/57159/2023  
LP/06470/2024

**THE IMMIGRATION ACTS**

**Decision & Reasons Issued:  
On 18 December 2024**

**Before**

**UPPER TRIBUNAL JUDGE KAMARA**

**Between**

**TN  
(ANONYMITY ORDER MADE)**

Appellant

**and**

**Secretary of State for the Home Department**

Respondent

**Order Regarding Anonymity**

**Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, the appellant 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. Failure to comply with this order could amount to a contempt of court.**

**DECISION AND REASONS**

Introduction

1. The appellant has been granted permission to appeal the decision of First-tier Tribunal Judge Row who dismissed the appeal following a hearing which took place on 5 August 2024. Permission to appeal was granted by First-tier Tribunal Judge Dempster.

Anonymity

2. An anonymity direction was made previously and is maintained because this is a protection matter.

3. The grounds of appeal can be summarised as a complaint as to the adequacy of reasons given and an erroneous requirement for corroboration.
4. Permission to appeal was granted on the basis sought, with the judge granting permission making the following remarks.

The judge between [29]-[38] identified matters that they did not consider adversely damaged the appellant's credibility. The judge at [32] noted the respondent's criticism of the appellant's account as "*not coherent or plausible*". The judge at [33] dealt with the challenge that the appellant had provided a lack of detail and then, at [34] concluded that they did not "*find **any** of those matters damages the appellant's credibility*" (Emphasis supplied).

The judge then dealt with the matters they did consider damaging to the appellant's credibility which were the failure to claim asylum at the earliest opportunity, the failure to claim asylum in the first safe country and the failure to adduce supporting evidence. These factors were recorded at [56]. In the same paragraph, the judge then went onto say that "*There are aspects of his case which are not plausible*". This appears to be inconsistent with the judge's earlier finding. Further, there is no explanation in the decision as to the basis for the judge's finding that some aspects of the case were not plausible; neither is there an explanation as to which aspects were considered implausible.

On this basis, it is arguable that the judge failed to provide adequate reasons for the adverse conclusion reached, amounting to an error of law.

5. The respondent filed a Rule 24 response dated 17 October 2024, in which it was accepted that there was an error of law in the decision under challenge and which invited the Upper Tribunal to remit the matter to the First-tier Tribunal.
6. On 20 November 2024, the Upper Tribunal sent the following proposal to the appellant's then representatives.

On 17 October 2024, the respondent wrote to the Upper Tribunal stating that they accept that the decision of the First-tier Tribunal involved the making of an error of law and inviting the Upper Tribunal to remit the matter to the First-tier Tribunal to be heard afresh with no findings preserved.

It is my preliminary view that, on consideration of the grounds of appeal, that the First-tier Tribunal's decision did involve the making of an error of law for the reasons set out in the grounds. These can be summarised as requiring corroboration and a failure to provide adequate reasons for rejecting core aspects of the appellant's claim.

The Upper Tribunal proposes to determine the error of law matter without a hearing and to remit the matter to the First-tier Tribunal.

Unless within **ten working days** of the issue of these directions there is any written objection to this course of action, supported by cogent argument, the Upper Tribunal will proceed to decide the error of law matter without an oral hearing and remit the appeal to the First-tier Tribunal.

7. No response was received on behalf of the appellant from either the previous or current representatives. It follows that this matter is remitted to the First-tier Tribunal for a rehearing.

## **Notice of Decision**

**The making of the decision of the First-tier Tribunal did involve the making of an error on a point of law.**

**The decision of the First-tier Tribunal is set aside with no preserved findings.**

**The appeal is remitted, de novo, to the First-tier Tribunal to be reheard by any judge except First-tier Tribunal Judge Row.**

T Kamara

Judge of the Upper Tribunal  
Immigration and Asylum Chamber

**17 December 2024**