



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: AA/12452/2015

THE IMMIGRATION ACTS

Heard at Field House and
Given extempore on
17th August 2017 and
Signed and sent to
Promulgation on 21st
August 2017.

Decision & Reasons Promulgated

on 25th August 2017

Before

Upper Tribunal Judge Chalkley

Between

MR KOY JONAS KOY
(ANONYMITY DIRECTION NOT MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant:

No appearance by or on behalf of the appellant

For the Respondent:

Mr Walker

REASONS FOR FINDING AN ERROR OF LAW

1. The appellant is a national of Côte d'Ivoire, born on 1st August 2002, who travelled via Brussels to the United Kingdom and entered at Heathrow on 6th January 2015. He travelled on a business visa which expired on 15th January 2015, and two days before expiry on 13th March 2015, he made an asylum claim. His claim was refused by the Secretary of State on 10th September 2015, and, as a result, the appellant appealed.
2. He first appealed to the First-tier Tribunal at a hearing on 11th March 2006, when First-tier Tribunal Judge Mayall heard his appeal. His determination was subsequently set aside by Deputy Upper Tribunal Judge Macdonald on 4th August 2016, because of a failure by the First Tier Tribunal Judge to consider medical and corroborative evidence and the matter was remitted to the First-tier Tribunal to be heard afresh with none of the findings of Judge Mayall preserved.
3. The appeal came for hearing before First-tier Tribunal Judge Plumptre on 3rd March 2017, and again on 25th May 2017. She dismissed the appeal on asylum grounds, on humanitarian protection grounds and on human rights grounds. Unfortunately, there was before the judge a medical report in respect of the appellant. It was a report dated 26th January 2016, by Dr Lechi and it was in the appellant's bundle A4 on page 16. It would have been helpful if the appellant's representatives had submitted one complete comprehensive bundle properly indexed and paginated, but nonetheless, the evidence was before the judge and the judge has materially erred in law by failing to demonstrate that she considered it.
4. This morning, Mr Walker, on behalf of the Secretary of State has accepted that this is a clear error of law. I have considered retaining the appeal in the Upper Tribunal for a hearing by himself or one of my Upper Tribunal colleagues, but given the lengthy delay that is likely to ensue if I do, I have concluded, and Mr Walker has agreed with me that the matter must be remitted again to the First-tier Tribunal to be heard afresh.
5. I set aside the determination in its entirety and direct that it should be reheard afresh by a judge other than First-tier Tribunal Judge Mayall or Judge Plumptre, who I believe has now retired. Three hours should be allowed for the hearing of the appeal. A French interpreter will be required for the hearing.

Richard Chalkley

Upper Tribunal Judge Chalkley