



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

Appeal Number: PA/01680/2017

THE IMMIGRATION ACTS

**Heard at Bradford
On 20 March 2018**

**Decision & Reasons
Promulgated
On 17 April 2018**

Before

DEPUTY UPPER TRIBUNAL JUDGE DAVEY

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

[S B]

(~~ANONYMITY DIRECTION NOT MADE~~)

Respondent

Representation:

For the Appellant: Mr A McVeety, Senior Home Office Presenting Officer

For the Respondent: Ms Cleghorn, Counsel instructed by Bradford Law Centre

DECISION AND REASONS

1. In this appeal the Appellant is the Secretary of State for the Home Department. The Respondent is the Claimant.
2. The Claimant, a national of Cameroon, appealed against the SSHD's decision to refuse an asylum claim on 9 February 2017. The appeal was dismissed by FtT Judge I Howard on 27 November 2017. Permission to

appeal the Judge's decision was given to the SSHD on 29 December 2017. A cross appeal was given permission on 15 February 2018 by UTJ King TD.

3. It is clear that the Judge rejected the appeal on the findings of fact but in error went on to allow the appeal on Refugee Convention and Article 3 ECHR grounds. On that basis it could have been dealt with under the Slip Rule [Rule 31 of The Tribunal Procedure Rules 2014].
4. The cross appeal is based upon the Judge's failure to address the psychiatric assessment of the Claimant's mental health/suicide risk and the assessment of him being a victim of torture.
5. The parties jointly submitted that the Judge's errors, particularly the consideration of the Claimant's mental health, required a re-assessment of the adverse credibility findings.
6. I agree with them. The original Tribunal's decision cannot stand nor any findings of fact.

NOTICE OF DECISION

7. The appeal of the Secretary of State is allowed to the extent that the matter must be re-made in the FtT (IAC).

No anonymity order is required.

DIRECTIONS

List FtT, not before First-tier Tribunal Judge I Howard.

2 hours.

French interpreter required.

Any further documents or evidence relied upon to be served on the parties not less than ten working days before the further hearing.

A PTR to be arranged if required in writing with reasons by the parties.

Signed

Date 28 March 2018

Deputy Upper Tribunal Judge Davey