



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

Appeal Number: PA/04850/2018

THE IMMIGRATION ACTS

Heard at Bradford

On 20th August 2018

**Decision & Reasons
Promulgated**

On 10th October 2018

Before

DEPUTY UPPER TRIBUNAL JUDGE D E TAYLOR

Between

**ABDULLAH [H]
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms S Khan of Counsel instructed by Parker Rhodes
Hickmotts

For the Respondent: Mrs R Pettersen

DECISION AND REASONS

1. This is the appellant's appeal against the decision of Judge Foudy made following a hearing at Manchester on 10th May 2018.
2. Mrs Pettersen accepted that the determination contained errors of law such that it ought to be set aside and remitted back to the First-tier Tribunal to be heard afresh by a judge other than Judge Foudy.

3. The appellant is a citizen of Iran whose age is disputed. He claims to have arrived in the UK on 9th December 2015 when he was either 15 or 16 years of age and said that he would be at risk on return to Iran for political reasons.
4. The judge dismissed his appeal against the refusal of his asylum claim finding him to be a wholly incredible witness.
5. The appellant sought permission to appeal on the grounds that the judge had failed to apply the Joint Presidential Guidance Note No.2 of 2010 Child, Vulnerable Adult and Sensitive Appellant Guidance in making her findings, and had failed to bear in mind that, on any view, he was recounting events which had taken place when he was a child. Moreover the appellant had provided a medical report which shows that he is in therapy with a counsellor who had identified symptoms of PTSD.
6. Mrs Pettersen accepted that the judge had erred for the reasons stated in the grounds in that she had failed to adequately assess the medical evidence and had not borne in mind that the unrepresented teenage appellant was a vulnerable witness. Consequently her credibility findings could not stand.
7. The decision is set aside. It will have to be remade by another First-tier Judge other than Ms Foudy at Manchester. Ms Khan asked that it be listed in the first instance for a CMR as it was intended that a proper Medico-Legal Report be prepared.

Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until a Tribunal or court directs otherwise, the appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him or any member of their family. This direction applies both to the appellant and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.

Deborah Taylor

Signed
2018

Date 20 September

Deputy Upper Tribunal Judge Taylor