



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

Appeal Number: PA/10922/2019

**THE IMMIGRATION ACTS**

**Heard at Manchester Civil Justice  
Centre  
Via Skype for Business  
On 31 July 2020**

**Decision & Reasons Promulgated**

**On 7 August 2020**

**Before**

**UPPER TRIBUNAL JUDGE LANE**

**Between**

**ROSALINDE [M]  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr Kumar, Optimus Law

For the Respondent: Mrs Aboni, Senior Home Office Presenting Officer

**DECISION AND REASONS**

1. The appellant was born on 17 November 1985 and is a female citizen of Cameroon. She was refused international protection by the respondent by a decision dated 29 October 2019. She appealed to the First-tier Tribunal which, in a decision promulgated on 21 February 2020, dismissed her appeal. The appellant now appeals, with permission, to the Upper Tribunal.
2. At the initial hearing at Manchester by Skype for Business on 31 July 2020, Mrs Aboni, who appeared for the Secretary of State, told me that she did

not seek to support the decision of the First-tier Tribunal. At [6], the judge had stated that no application had been made at the First-tier Tribunal hearing for the appellant be treated as a vulnerable witness. Mrs Aboni told me that she believed this was incorrect as an application had, in effect, been made in the skeleton argument produced by the appellant's representatives. Although the judge records in her decision the allowances that she made for the appellant's mental health difficulties, crucially no mention of those difficulties appears to have been taken into account in the judge's analysis of the credibility of the appellant's account. I agree with Mrs Aboni that this latter omission undermined the decision of the judge such that her decision should be set aside and the appeal determined *de novo*.

### **Notice of Decision**

The decision of the First-tier Tribunal is set aside. None of the findings of fact shall stand. The appeal is returned to the First-tier Tribunal (**not Judge Young-Harry; French interpreter; 1.5 hours; the First-tier Tribunal sitting at Birmingham; first available date**) for that Tribunal to remake the decision following a hearing *de novo*.

Signed  
Upper Tribunal Judge Lane

Date 31 July 2020