



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: PA/11442/2019

THE IMMIGRATION ACTS

Determined Without a Hearing
Under Rule 34 (P)

Decision & Reasons Promulgated
On 30 June 2020

Before

UPPER TRIBUNAL JUDGE CANAVAN

Between

N V

(ANONYMITY DIRECTION MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

DECISION AND REASONS

1. The appellant appealed the respondent's decision dated 12 November 2019 to refuse a protection and human rights claim.
2. First-tier Tribunal Judge Sweet ("the judge") dismissed the appeal in a decision promulgated on 06 December 2019.
3. The appellant appealed the First-tier Tribunal decision on the following grounds:
 - (i) The judge made inadequate findings to explain why he considered the appellant's account to be contradictory, and the few findings that he did make, did not rationally justify his conclusion.
 - (ii) The judge failed to consider detailed written evidence produced by the appellant.

- (iii) The judge applied too high a standard of proof in apparently requiring further documentary evidence relating to church attendance in the UK in addition to the evidence that had already been produced.
4. First-tier Tribunal Judge O'Brien granted permission to appeal to the Upper Tribunal in an order dated 29 January 2020.
 5. The case was listed for hearing on 23 April 2020, but the hearing had to be vacated due to public health measures put in place as a result of the Covid-19 pandemic. The Upper Tribunal reviewed the file and made directions. After having discussed the case, the parties were able to agree that the First-tier Tribunal decision involved the making of an error on a point of law for the reasons set out in the grounds. Given that the errors of law go to the credibility of the appellant's account the effect of the finding that there is an error of law means that the extent of the fact-finding that will need to be done is such that it is appropriate to remit the case to the First-tier Tribunal for a fresh hearing.
 6. The First-tier Tribunal decision involved the making of an error of law and must be set aside. The appeal is remitted to the First-tier Tribunal for a fresh hearing.

DECISION

The First-tier Tribunal decision involved the making of an error on a point of law

The appeal is remitted to the First-tier Tribunal for a fresh hearing

Signed *M. Canavan*
Upper Tribunal Judge Canavan

Date 19 June 2020

