



**IN THE UPPER TRIBUNAL**  
**IMMIGRATION AND ASYLUM CHAMBER**

Case No: UI-2024-001602

First-tier Tribunal Nos: PA/53142/2022  
IA/07742/2022

**THE IMMIGRATION ACTS**

**Decision & Reasons Issued:  
On 10 January 2025**

**Before**

**UPPER TRIBUNAL JUDGE O'BRIEN**

**Between**

**EG  
(ANONYMITY ORDER MADE)**

Appellant

**and**

**The Secretary of State for the Home Department**

Respondent

**Representation:**

For the Appellant: Ms S Alvarez, of Counsel, instructed by Sediqi & Sediqi Solicitors

For the Respondent: Mr S Walker, Home Office Presenting Officer

**Heard at Field House on 3 October 2024**

**Order Regarding Anonymity**

**Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, the appellant is granted anonymity.**

**No-one shall publish or reveal any information, including the name or address of the appellant, likely to lead members of the public to identify the appellant. Failure to comply with this order could amount to a contempt of court.**

**DECISION AND REASONS**

1. The appellant appeals the decision of First-tier Tribunal Judge E M Field ('the judge') made after a hearing at Taylor House on 16 October 2023, in which the judge dismissed the appellant's appeal against the respondent's refusal of his protection and human rights claim.

2. The grounds can be summarised thus. First, the judge erroneously required there to be cogent evidence supporting the appellant's case which, it is argued, belies an impermissible requirement for corroborative evidence when it has not been suggested it would be reasonable to provide such evidence and indicates the application of too high a standard of proof in protection claims.
3. Second, there were irrational findings of fact, in particular that the gang whom the appellant feared would know it could not possibly have been him that informed to the police and prompted the encounter which caused him to flee.
4. The third ground dealing with 'internal protection' effectively adds nothing more to the first ground, being a further example of the judge applying an impermissible requirement for corroboration and/or too high a standard of proof.
5. Ms Alvarez pragmatically and reasonably accepted that ground 4, concerning the appellant's appeal under article 8 ECHR, took the appellant no further than his case on protection. Therefore, it is unnecessary to rehearse in any detail the submissions with regards to that.
6. Whilst I did have extensive submissions from Ms Alvarez regarding the first three grounds, Mr Walker, in his submissions, accepted that ground 2 was meritorious. He pointed to two particular findings of fact which he accepted on behalf of the respondent were either based on no evidence or were insufficiently and adequately reasoned: a positive finding that the police had encountered the gang by chance; and that the gang would have realised that the appellant was not to blame for that chance encounter).
7. I am satisfied that the latter finding at least was unreasonable, and that the judge thereby erred in law. There does seem to be entirely no basis whatsoever for the judge finding that the gang would necessarily know that the appellant had not been responsible for that encounter. There is no evidence that the gang was aware that it was a chance encounter and, as Mr Walker has recognised, the judge seems not to have dealt at all with the possibility that, when the appellant was travelling by bus, although he was being tailed, he could not have made a surreptitious phone call.
8. Whilst I might not necessarily have agreed that the judge's finding that the encounter was a chance encounter was vitiated by error of law, bearing in mind that it was the appellant himself who said that, the above erroneous finding is so fundamental and the rationale for the finding is so absent that I am persuaded that it infects the entirety of the decision making process.
9. In the circumstances, and as agreed between the parties, it is necessary to remit the case to the First-tier Tribunal for full fact-finding.

### Decision

1. The appeal is allowed.
2. The judge's decision on the appeal involved the making of an error of law.

3. The appeal is remitted to the First-tier Tribunal to be heard by another judge with no findings of fact preserved.

**Sean O'Brien**

Judge of the Upper Tribunal  
Immigration and Asylum Chamber

**16 November 2024**