



IAC-FH-AR-V1

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

Appeal Number: AA/03172/2015

THE IMMIGRATION ACTS

**Heard at Field House
On 12th October, 2015
Given extempore**

**Decision & Reasons Promulgated
On 13th November 2015**

Before

Upper Tribunal Judge Chalkley

Between

**A B
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr R Spurling, Counsel, instructed by Brighton Housing Trust Immigration Legal Services

For the Respondent: Mr I Jarvis, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant is a Sudanese citizen who was born on 19th September, 1968. He sought asylum in the United Kingdom and the respondent decided by letter of 11th February, 2015 to refuse his claim and to remove him from the United Kingdom.

2. The notice of removal is dated 19th December, 2013 and it is against that notice that the appellant appealed. His appeal was heard by First-tier Tribunal Judge Quinn at a hearing on 3rd July, 2015. In it the judge dismissed the appellant's refugee appeal and humanitarian protection appeal and dismissed his appeal under Articles 2, 3 and 8 of the European Convention. Dissatisfied with that decision the appellant sought permission to appeal and on 20th August, 2015 First-tier Tribunal Judge Simpson granted permission to appeal.
3. Before me today Mr Spurling appearing on behalf of the appellant instructed by Brighton Housing Trust and Mr Jarvis, a Presenting Officer, have agreed that the determination is so flawed that it cannot be permitted to stand. I set aside the determination.
4. Amongst other things, there are errors of fact which appear to be widespread in the determination. Contrary to the assertion by the judge there **was** medical evidence before him of the appellant's wife's injuries and, contrary to what he says at paragraph 55 of the determination, there was evidence which the judge appears to have ignored at page 35 of the appellant's bundle with as translation in English at page 36.

Notice of Decision

5. I am satisfied that the appellant has been denied a fair hearing in all the circumstances and have concluded that I must remit this appeal for hearing afresh before a First-tier Tribunal Judge other than Judge Quinn. Two hours will be allowed for the hearing.

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.

Richard Chalkley

Upper Tribunal Judge Chalkley