



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

Appeal Number: AA/05552/2014

THE IMMIGRATION ACTS

**Heard at Bradford
On 8 January 2015**

**Determination
Promulgated
On 15 January 2015**

Before

UPPER TRIBUNAL JUDGE D E TAYLOR

Between

FAYCAL BOUAOUD

Appellant

And

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms Khan, Counsel, instructed by South Yorkshire Refugee Law.

For the Respondent: Mr Mills, HOPO.

DETERMINATION AND REASONS

1. This appeal came before Judge Law on 7 October 2014 at Manchester. He dismissed it on asylum grounds, not accepting that the appellant was at risk of persecution for political reasons in Algeria as claimed.
2. It is the appellant's case that his son was kidnapped by terrorists and that the police would not protect him on account of his political opinion. He believed that his son had been interviewed by the

respondent and, on a previous occasion, successfully sought an adjournment so that the interview record could be obtained. He renewed the application at the hearing.

3. At that date, the position was that the representatives had written to the presenting officer's unit but had received no reply.
4. It appears that although some form of conversation between an immigration officer and the appellant's son took place, no record was in fact taken.
5. The judge made no reference to the renewed application for an adjournment nor to any interview in his determination. He did not believe the story of the kidnapping and dismissed the appeal.
6. The appellant argues that there has been procedural unfairness because, had the presenting officer's unit told him that no record was available, a witness statement would have been obtained from the child.
7. I am persuaded that there has been a deprivation of an opportunity to produce relevant evidence which might have a bearing on the outcome of the appeal.
8. Accordingly the decision of Judge Law is set aside. It should be remade by a judge other than Judge Law at Manchester with all issues at large.

Signed

Date 13/01/2015

Judge of the Upper Tribunal