



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: PA/02430/2016

THE IMMIGRATION ACTS

Heard at Glasgow
on 7 December 2017

Decision and Reasons Promulgated
on 8 December 2017

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

B A M
(Anonymity Direction Made)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT


Respondent

For the Appellant: Mr D Katani, of Katani & Co, Solicitors
For the Respondent: Mrs M O'Brien, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. The respondent refused the appellant's protection claim for reasons explained in her decision dated 19 February 2016.
2. The appellant appealed to the FtT, on brief and generic grounds.

3. FtT Judge Farrelly heard the appeal on 20 December 2016 and dismissed it by decision promulgated on 21 April 2017.
4. Permission to appeal was granted by the UT on the view that the grounds disclosed possible error in a misunderstanding by the judge, in that the appellant claimed to be only a supporter not a member of Ginbot 7, and in failure to make a finding on whether the appellant had been arrested in the past.
5. The respondent conceded that the grounds of appeal to the UT disclosed error of law.
6. Parties were in agreement that the outcome should be as follows.
7. The decision of the FtT is **set aside** (other than as a record of what was said at the hearing).
8. The nature of the case is such that it is appropriate in terms of section 12(2)(b)(i) of the 2007 Act and of Practice Statement 7.2 to **remit the case to the FtT** for an entirely fresh hearing.
9. The member(s) of the FtT chosen to consider the case are not to include Judge Farrelly.
10. The FtT made an anonymity direction, although there seems to have been no application for one. The matter was not addressed in the UT, so this decision has been anonymised.

A handwritten signature in black ink that reads "Hugh Macleman". The signature is written in a cursive style with a large, stylized initial 'H'.

7 December 2017
Upper Tribunal Judge Macleman