



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: PA/02692/2017

THE IMMIGRATION ACTS

Heard at Glasgow
on 9 November 2017

Determination issued
on 10 November 2017

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

S S

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr D McGlashan, of McGlashan Mackay, Solicitors

For the Respondent: Mrs M O'Brien, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. The appellant appeals against a decision by First-tier Tribunal Judge A M S Green, promulgated on 5 May 2017.
2. The grounds of appeal focus firstly on ¶14, which begins, "I found the appellant to be a reliable witness. I have no concerns about how she behaved under cross-examination", but goes on to find that a series of matters "count against her general credibility". She is then found at ¶15 to be credible only to a quite limited extent.

The grounds say this is irrational, no explanation being given for a distinction between “reliability” and “general credibility”.

3. The grounds say further that the finding based on a “screening interview” was inadequate, given the judge’s acknowledgment of the limitations of answers given at such interviews, and the appellant’s circumstances at the time; that the assessment of internal relocation failed to take account of the appellant’s personal circumstances; and there was a failure to make a finding on whether the appellant’s home is in a “contested area”.
4. The respondent conceded that the decision erred in law, principally on the first issue raised, but also on general risk (in terms of article 15 (c) of the directive and of article 3 ECHR) and on relocation, and fell to be set aside and remade, applying country guidance as corrected and set out as an annex to AA (Iraq) [2017] EWCA Civ 944 (which was not available at the time of the hearing in the FtT).
5. The following outcome is as agreed between the parties. The decision of the FtT is **set aside** and stands only as a record of what was said at the hearing. 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. The member(s) of the FtT chosen to consider the case are not to include Judge A M S Green.
6. An anonymity direction made by the FtT remains in place.



9 November 2017
Upper Tribunal Judge Macleman