



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

Appeal Number: PA/03376/2017

THE IMMIGRATION ACTS

**Heard at Field House
On 26 October 2017**

**Decision & Reasons Promulgated
On 6 November 2017**

Before

DEPUTY UPPER TRIBUNAL JUDGE APPLEYARD

Between

**[G A]
(~~ANONYMITY DIRECTION NOT MADE~~)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Miss C. Record, Counsel.

For the Respondent: Mr. L. Tarlow, Home Office Presenting Officer.

DECISION AND REASONS

1. The appellant is a citizen of Cameroon who appealed against a decision of the respondent refusing him international protection. His appeal was heard by Judge of the First-tier Tribunal Andonian who, in a decision promulgated on 23 June 2017, dismissed it.
2. The appellant sought permission to appeal which was initially refused by Judge of the First-tier Tribunal Ransley on 19 July 2017. However, that application was renewed to the Upper Tribunal and granted on 30 August 2017 by Upper Tribunal Judge Reeds. Her reasons for so granting are:-

- “1. The appellant seeks permission to appeal against the decision of the First-tier Tribunal (Judge Andonian) who, in a determination promulgated on 23 June 2017 dismissed his appeal against the decision of the Secretary of State to refuse his protection claim and on human rights grounds.
 2. It is arguable that the judge erred in fact and law when reaching his conclusions on the Article 8 issues; the judge at paragraph 39 made reference to there being no court orders relating to the family proceedings however in the appellant’s bundle at pages 11-13 there was an order from the family court setting out the order for supervised contact. Thus the conclusion that there was no family life was arguably wrong and affected the Article 8 analysis.
 3. The grounds also seek to challenge the judge’s adverse credibility findings as to his membership of a political party and consequent risk by a failure to assess all the evidence including the documentary evidence. In this regard I observe that the judge gave a number of evidence based reasons as to why he rejected his account and therefore found that on return he would be of no interest to the authorities. However the judge did reject a newspaper report as having no weight when the document was not produced although it was in the possession of the respondent. I therefore do not restrict the grant of permission. The document must be produced before the Upper Tribunal.”
3. Thus the appeal came before me today.
 4. At the outset having considered the Upper Tribunal’s grant of permission and the appellant’s bundle, Mr Tarlow accepted that the appeal should be remitted to the First-tier Tribunal for a de novo hearing on the basis that in the circumstances this particular appellant had not had a fair hearing before the First-tier Tribunal.
 5. Suffice it so say that Miss Record supported this submission and it is an analysis of this individual appeal that I share.

Notice of Decision

The making of the decision of the First-tier Tribunal involved the making of an error on a point of law. The decision is set aside. The appeal is remitted to the First-tier Tribunal to be dealt with afresh pursuant to Section 12(2)(b)(i) of the Tribunals, Courts and Enforcement Act 2007 and Practice Direction 7(b) before any judge aside from Judge Andonian.

No anonymity direction is made.

Signed

Date 6 November 2017.

Deputy Upper Tribunal Judge Appleyard