



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: PA135122016

**THE IMMIGRATION ACTS**

Heard at Glasgow  
on 29 August 2017

Decision and Reasons Promulgated  
on 31 August 2017

Before

**UPPER TRIBUNAL JUDGE MACLEMAN**

Between

**M G**

Appellant

and

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

For the Appellant: Ms N Loughran, of Loughran & Co, 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 Hands, promulgated on 23 January 2017, dismissing his appeal against refusal of asylum.
2. The grounds are set out in 11 paragraphs, each probing for errors in the resolution of the facts.
3. Permission was granted on the view that arguably the Judge did not take account of evidence of the appellant's family involvement with the KDPI, and took an incorrect approach to the source of potentially corroborative evidence from the KDPI in the UK.
4. The first ground contrasts ¶36 of the decision, "*Firstly, for four peshmerga to walk into a village, and for everyone to attend the mosque*" with the appellant's evidence, "*... most of the people in the village went to see [the peshmerga]*".

5. The second ground criticises the finding that the appellant's involvement was not very likely to have started through that meeting, by stressing the appellant's evidence of family history and other reasons for involvement.
6. Ms Loughran submitted that there was an overall lack of consideration of the appellant's background of links through extended family and his village environment to the KDPI, and that the Judge wrongly took one incident as the only claimed trigger for his becoming involved.
7. Mrs O'Brien conceded that the grounds disclosed error in the fact-finding analysis, such that the decision could not safely stand.
8. The following outcome was agreed.
9. The decision of the FtT is **set aside**. None of its findings are to stand, other than as a record of what was said at the hearing.
10. 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.
11. The member(s) of the FtT chosen to consider the case are not to include Judge Hands.
12. An anonymity direction was made in the FtT. It is not clear that there is any need for one, but the matter was not addressed in the UT, so anonymity is maintained herein.

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

29 August 2017  
Upper Tribunal Judge Macleman