



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

PA/05330/2018

THE IMMIGRATION ACTS

**Heard at Glasgow
on 15 November 2018**

**Decision & Reasons
Promulgated
On 21 November 2018**

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

H A A

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

For the Appellant: Miss J McCallum, of Latta & Co, Solicitors
For the Respondent: Mrs M O'Brien, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. This decision is to be read with:
 - (i) The respondent's decision dated 10 April 2018, refusing the appellant's protection claim.
 - (ii) The appellant's grounds of appeal to the First-tier Tribunal (which are only general).
 - (iii) The decision of FtT Judge Kempton, promulgated on 31 May 2018.

- (iv) The appellant's grounds of appeal to the UT, stated in the application for permission to appeal filed on 8 June 2018.
 - (v) The grant of permission by FtT Judge Scott Baker, dated 22 June 2018.
2. Mrs O'Brien did not concede that the grounds were all well-founded, but she said that they did disclose an absence of clear findings and reasons in relation to significant parts of the evidence, and that the case should be re-heard by another judge.
 3. Miss McCallum sought to persuade me that the medical evidence, the police documents and the rest of the evidence was such that the outcome should be reversed. I was unable to uphold that submission. The medical evidence can go no further than establishing that the appellant was shot. The rest of the evidence requires evaluation in context of the oral evidence of the appellant and his wife, their credibility being in issue. The nature of the case, therefore, is such that it is appropriate under section 12 of the 2002 Act and Practice Statement 7.2 to remit to the FtT for an entirely fresh hearing.
 4. The decision of the FtT is **set aside**. It stands only as a record of what was said at the hearing. The member(s) of the FtT chosen to consider the case are not to include Judge Kempton.
 5. The FtT made an anonymity direction. The reason does not appear, but as the matter was not addressed in the UT, anonymity has been preserved herein.



15 November 2018
Upper Tribunal Judge Macleman