



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

PA/08656/2017

**THE IMMIGRATION ACTS**

**Heard at Glasgow  
on 23 November 2018**

**Decision & Reasons  
Promulgated  
on 28 November 2018**

**Before**

**UPPER TRIBUNAL JUDGE MACLEMAN**

**Between**

**AHMED [S]**

Appellant

**and**

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

Respondent

For the Appellant: Mr Templeton, of Quinn, Martin & Langan, Solicitors

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

**DECISION AND REASONS**

1. This determination is to be read with:
  - (i) The respondent's decision, dated 23 August 2017, refusing the appellant's protection claim.
  - (ii) The appellant's grounds of appeal to the First-tier Tribunal.
  - (iii) The decision of FtT Judge Lea, promulgated on 26 March 2018.

- (iv) The appellant's grounds of appeal to the UT, stated in the application for permission to appeal filed with the FtT on 9 April 2018.
  - (v) The FtT's refusal of permission, dated 27 April 2018.
  - (vi) The further grounds of appeal to the UT, stated in the application filed with the UT on 16 May 2018.
  - (vii) The UT's grant of permission, dated 21 June 2018.
  - (viii) The respondent's rule 24 response, dated 10 July 2018, to the grant of permission.
2. It was conceded that the FtT's decision errs by failing to explain what is made of the evidence of the witnesses who spoke to knowing the appellant as an undocumented Bidoon growing up in Kuwait, and that a fresh hearing is required, to resolve whether he is in the documented or undocumented category. The following outcome was agreed.
  3. The decision of the FtT stands as a record of the hearing, but otherwise is **set aside**. Under section 12 of the 2007 Act, and under Practice Statement 7.2, the case is remitted to the FtT for a fresh hearing. The member(s) of the FtT chosen to consider the case are not to include Judge Lea.
  4. No anonymity direction has been requested or made.



23 November 2018  
Upper Tribunal Judge Macleman