



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

Appeal Numbers: PA/09564/2016
PA/02795/2017

THE IMMIGRATION ACTS

**Decision made on the papers
At Field House
On Thursday 1 March 2018**

**Decision & Reasons
Promulgated
On Tuesday 6 March 2018**

Before

UPPER TRIBUNAL JUDGE SMITH

Between

**B A
E A**

Appellants

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Anonymity

Rule 14: The Tribunal Procedure (Upper Tribunal) Rules 2008

No anonymity order was made by the First-tier Tribunal. However, as these appeals involve a protection claim, it is appropriate to make a direction. Unless and until a tribunal or court directs otherwise, the Appellants are granted anonymity. No report of these proceedings shall directly or indirectly identify them or any member of their family. This direction applies, amongst others, to both parties. Failure to comply with this direction could lead to contempt of court proceedings.

DECISION

1. By a decision promulgated on 9 February 2018 and made on the papers following a written concession by the Respondent, I found there to be an error of law in the decision of First-tier Tribunal Judge Chana promulgated on 11 October 2017 and I set that decision aside. I gave directions seeking written submissions from the parties concerning the re-making of the decisions in these appeals.
2. By letter dated 22 February 2018, the Appellants' solicitors wrote inviting me to remit the appeals to the First-tier Tribunal. I have received no written submissions from the Respondent.
3. Having considered the Appellants' submissions, I am satisfied that it is appropriate to remit these appeals to the First-tier Tribunal for re-making of the decision. As I observed in my earlier decision, the error of law made by Judge Chana involved the failure to take into account a medico legal report which, if accepted, might be capable of undermining the adverse credibility findings made by Judge Chana. The re-making of the decision will therefore involve a reassessment of the credibility of the Appellant "EA". The findings in that regard are capable of impacting also on the best interests of the children involved and Article 8 rights of the Appellants.
4. For those reasons, these appeals are remitted to the First-tier Tribunal for the re-making of the decision.

DECISION

Having decided, by my decision promulgated on 9 February 2018, that the First-tier Tribunal Decision of Judge Chana promulgated on 11 October 2017 involves the making of a material error on a point of law and having set that aside, these appeals are remitted to the First-tier Tribunal for rehearing by a Judge other than Judge Chana.



Signed
Upper Tribunal Judge Smith

Dated: 1 March 2018