



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: PA/13200/2017

THE IMMIGRATION ACTS

Heard at Field House
On 3 August 2018

Decision & Reasons Promulgated
On 7 August 2018

Before

UPPER TRIBUNAL JUDGE KOPIECZEK

Between

KHAN [M]

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr O. Noor, Counsel

For the Respondent: Ms A Everett, Senior Home Office Presenting Officer

DECISION PURSUANT TO RULE 40(3)(a) OF THE TRIBUNAL PROCEDURE (UPPER TRIBUNAL) RULES 2008

1. The appellant appealed to the First-tier Tribunal ("FtT") against a decision to refuse a protection and human rights claim. The FtT dismissed the appellant's appeal on all grounds. Permission to appeal against the FtT's decision was granted to the appellant and thus the appeal came before me.
2. At the hearing before me it was agreed between the parties that the FtT did materially err in law in terms of her assessment of the credibility of the appellant's claim and that

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in consequence its decision should be set aside with the appeal being remitted to the FtT for a hearing *de novo*.

3. In the circumstances, and considering the decision of the FtT, the grounds of appeal in relation to its decision, the grant of permission to appeal, and all other relevant documentation relevant to that issue, I set aside the decision of the FtT and remit the appeal to the FtT for a hearing *de novo* before a differently constituted First-tier Tribunal, with no findings of fact preserved.
4. Pursuant to rule 40(3)(a) of the Tribunal Procedure (Upper Tribunal) Rules 2008, no reasons (or further reasons) are required, the decision being made with the consent of the parties.

Upper Tribunal Judge Kopieczek

3/08/18