



**Upper Tribunal
(Immigration and Asylum Chamber)
AA/05635/2015**

Appeal Number:

THE IMMIGRATION ACTS

Heard at Field House

Decision & Reasons

On 12 April 2019

**Promulgated
On 12 April 2019**

Before

DEPUTY UPPER TRIBUNAL JUDGE PICKUP

Between

GJ

[ANONYMITY DIRECTION MADE]

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the appellant: Mr D Chirico, instructed by Jain Solicitors

For the respondent: Ms L Kenny, Senior Home Office Presenting Officer

DECISION AND REASONS

1. Pursuant to Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 (SI 2008/269), I make an anonymity direction. Unless the Upper Tribunal or a Court directs otherwise, no report of these proceedings or any form of publication thereof shall directly or indirectly identify the appellant(s).
2. This is the appellant's appeal against the decision of First-tier Tribunal Judge Widdup promulgated 16.5.17, dismissing his appeal against the decision of the Secretary of State, dated 17.3.15, to refuse his claim for international protection made on 21.6.13.
3. This matter was previously heard by Deputy Upper Tribunal Judge Bagral on 19.7.17 and 20.7.18. However, it was listed before me on 12.4.19 pursuant to the transfer order of Principal Resident Judge O'Connor, dated

8.3.19. Neither party was ready for a substantive hearing having misunderstood that it was to be a de novo hearing of the appeal.

4. Having heard both parties on the unfortunate history of this appeal and on both parties agreeing that remittal to the First-tier Tribunal as the best way of proceeding, I remit this appeal to be heard de novo before the First-tier Tribunal sitting at Taylor House. New bundles and further evidence will be required and, in particular, has been indicated that evidence will be adduced to demonstrate that the appellant is now not fit to give evidence. For that purpose, he will rely on the oral evidence he gave before Deputy Upper Tribunal Judge Bagral on 20.7.18.
5. I remit this matter on the basis that this is a case which falls squarely within the Senior President's Practice Statement at paragraph 7.2. The nature or extent of any judicial fact finding which is necessary for the decision in the appeal to be re-made is such that, having regard to the overriding objective in rule 2 to deal with cases fairly and justly, including with the avoidance of delay, I find that it is appropriate to remit this appeal to the First-tier Tribunal to determine the appeal afresh.

Signed

DMW Pickup

Deputy Upper Tribunal Judge Pickup

Dated

12 April 2019