



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

PA/03380/2019 (P)

THE IMMIGRATION ACTS

**Decided under Rule 34
On Tuesday 02 June 2020**

**Decision & Reasons Promulgated
On Tuesday 02 June 2020**

Before

UT JUDGE MACLEMAN

Between

NIMA [H]

and

Appellant

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

DETERMINATION and REASONS

1. This determination is to be read as incorporating my decision on error of law, dated 27 April and issued on 12 May 2020, setting aside the decision of FtT Judge Gillespie, promulgated on 6 December 2019. The FtT's decision stands only as a record of what was said at the hearing.
2. The period set for further submissions on procedure has expired.
3. In a submission dated and received on 26 May 2020, the appellant again seeks a remit to the FtT.
4. There is nothing on the file from the SSHD.

5. As submitted for the appellant, the nature of this case is such that it is appropriate under section 12 of the 2007 Act, and under Practice Statement 7.2, to remit to the FtT for an entirely fresh hearing.
6. The member(s) of the FtT chosen to consider the case are not to include Judge Gillespie.
7. Submissions to the FtT should take account of *TF & MA* [2019] SC 81, [2018] CSIH 58; *PS (Christianity - risk) Iran* CG [2020] UKUT 00046 (IAC); and *MH (review; slip rule; church witnesses) Iran* [2020] UKUT 00125 (IAC).
8. No anonymity order has been requested or made.
9. The date of this determination is to be taken as the date when it is sent to parties.



UT Judge Macleman

Date: 02 June 2020

NOTIFICATION OF APPEAL RIGHTS

1. A person seeking permission to appeal against this decision must make a written application to the Upper Tribunal. Any such application must be **received** by the Upper Tribunal within the **appropriate period** after this decision was **sent** to the person making the application. The appropriate period varies, as follows, according to the location of the individual and the way in which the Upper Tribunal's decision was sent:
2. Where the person who appealed to the First-tier Tribunal is **in the United Kingdom** at the time that the application for permission to appeal is made, and is not in detention under the Immigration Acts, the appropriate period is **12 working days (10 working days, if the notice of decision is sent electronically)**.
3. Where the person making the application is in detention under the Immigration Acts, **the appropriate period is 7 working days (5 working days, if the notice of decision is sent electronically)**.
4. Where the person who appealed to the First-tier Tribunal is **outside the United Kingdom** at the time that the application for permission to appeal is made, the appropriate period is **38 days (10 working days, if the notice of decision is sent electronically)**.
5. A **"working day"** means any day except a Saturday or a Sunday, Christmas Day, Good Friday or a bank holiday.
6. The date when the decision is "sent" is that appearing on the covering letter or covering email.