



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

Appeal Number: PA/13610/2018

THE IMMIGRATION ACTS

Field House
25 November 2021

**Decision & Reasons Promulgated
On 20 September 2022**

Before:

UPPER TRIBUNAL JUDGE GILL

Between

QH
(ANONYMITY ORDER MADE)

Appellant

And

The Secretary of State for the Home Department

Respondent

DECISION

1. By my Directions (signed on 8 November 2021 and sent to the parties on 9 November 2021), I refused the appellant's application for this appeal to be continued until the grant of leave by the respondent, at para 10. I gave my reasons at paras 7-10.
2. At para 11, I indicated that it was my preliminary view that the decision on the appellant's appeal should be re-made by the Upper Tribunal allowing the appeal on asylum grounds and on human rights grounds (Article 3) but dismissing it on humanitarian protection grounds. I gave my reasons at paras 11-13.
3. The Directions stated that the Upper Tribunal would proceed to issue a decision to give effect to the preliminary view that I had indicated unless either party objected, with written reasons, any such objection(s) to be received no later than 4 pm on the fifth working day after the date in which the Directions were sent to the parties.
4. As at the date hereof, neither party has filed any objection(s). Nothing has been received from either party.

5. For the reasons given at paras 11-13 of the Directions and at paras 3-4 above, I re-make the decision on the appellant's appeal by allowing it on asylum grounds and human rights grounds (Article 3) and dismissing it on humanitarian protection grounds.

Decision

The making of the decision of the First-tier Tribunal involved the making of a error of law sufficient to require it to be set aside. The decision was set aside in its entirety. I re-make the decision on the appeal by allowing it on asylum grounds and on human rights grounds (Article 3) and dismissing it on humanitarian protection grounds.

Upper Tribunal Judge Gill

Date: 25 November 2021

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