



**Upper Tribunal  
(Immigration and Asylum Chamber)  
PA/02110/2016**

**Appeal Number:**

**THE IMMIGRATION ACTS**

**Heard at Field House**

**On 15 June 2017**

**Decision & Reasons  
Promulgated  
On 20 June 2017**

**Before**

**UPPER TRIBUNAL JUDGE MCGEACHY**

**Between**

**MRS RK  
(ANONYMITY DIRECTION MADE)**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Ms P Solanki, Counsel, instructed by North Kensington Law Centre

For the Respondent: Mr I Jarvis, Senior Home Office Presenting Officer

**DECISION AND REASONS**

1. The appellant, a citizen of India born on 5 April 1989, appeals against a decision of Judge of the First-tier Tribunal Courts promulgated on 10 April 2017 in which he dismissed her claim for leave to remain on asylum and human rights grounds.
2. At the hearing before me both representatives asked me to find that there were errors of law in the determination of the First-tier Judge. They asserted that the errors of law related to the lack of consideration by the judge of the expert report and the fact that that would have fed into his

conclusions that the appellant was not credible and also that she could safely return to India.

3. Although I consider that this is a clear and properly argued determination I accept that there is some merit in the submissions of both parties in that the judge did not analyse in any detail the assertions made in the expert report. I therefore set aside the determination of the First-tier Judge.
4. I consider further that as analysis of the report is required as well as evidence from the appellant so that her credibility can be assessed, it is appropriate that the appeal be remitted to the First-tier for a hearing afresh in accordance with the Practice Directions of the Senior President of Tribunals.

**Decision.**

The determination Judge of the First-tier Tribunal is set aside.

**Direction.**

The appeal will proceed to a hearing afresh in the First-tier, the appeal will take place at Hatton Cross, with a Punjabi interpreter, time four hours.

**Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008**

Unless and until a Tribunal or court directs otherwise, the appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify her or any member of her family. This direction applies both to the appellant and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.

Signed



Date 16 June 2017

Upper Tribunal Judge McGeachy