



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: PA/00269/2018

**THE IMMIGRATION ACTS**

Heard at Field House  
On 21 June 2018  
Determination given 21 June 2018

Determination Promulgated  
On 24 July 2018

Before

DEPUTY UPPER TRIBUNAL JUDGE DAVEY

Between

BKW  
(ANONYMITY DIRECTION MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

**Representation:**

For the Appellant: Ms E Fitzsimons, counsel, instructed by Sutovic & Hartigan  
For the Respondent: Mr I Jarvis, Home Office Presenting Officer

**DETERMINATION AND DIRECTIONS**

1. The Appellant, in the decision of First-tier Tribunal Judge Plumptre (the Judge), is referred to in this decision as the Claimant. The Respondent before the Judge is referred to as the Secretary of State.

2. The Claimant, a national of Iraq, assumed date of birth 1 January 1999, made a protection and asylum claim on 4 September 2015. The Secretary of State dismissed the claim on 20 December 2017. The Judge's decision was promulgated on 21 March 2018 and permission to appeal was given to the Claimant on 17 April 2018.
3. At the hearing Mr Jarvis helpfully indicated that there were reservations about the approach the Judge had taken in understanding the date of relevant evidence; the consideration of the evidence given by the expert; and the assessment, to a degree, of the extent to which there was a fluctuating risk posed to the Appellant based on the claim he had been making. In those circumstances Ms Fitzsimons argued that the appropriate course is for the matter to be dealt with in the First-tier Tribunal.
4. I agreed with the parties that significant errors by the Judge can only be addressed by way of a complete rehearing. The Original Tribunal's decision can not stand. The matter is to be returned to the First-tier Tribunal to be remade: no findings of fact to stand.

## **DIRECTIONS**

- (1) Relist in the First-tier Tribunal at Hatton Cross, not before First-tier Tribunal Judge Plumtre.
- (2) Two hours.
- (3) Kurdish Sorani interpreter required.
- (4) Any further documents relied upon by the parties to be served not less than ten days before the further hearing and/or unless different directions are given at a CMR in the First-tier Tribunal.

**NOTICE OF DECISION**

The appeal is allowed to the extent that the matter is to be remade in the First-tier Tribunal (IAC).

**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 him or any member of his 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 4 July 2018

Deputy Upper Tribunal Judge Davey