



**Upper Tribunal  
(Immigration and Asylum Chamber)      Appeal Number: PA/02955/2020**

**THE IMMIGRATION ACTS**

**Field House  
On 26 November 2021**

**Decision & Reasons Promulgated  
On 15 December 2021**

**Before**

**UPPER TRIBUNAL JUDGE KOPIECZEK**

**Between**

**AAH  
(ANONYMITY DIRECTION MADE)**

Appellant

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Ms F Shaw, Counsel instructed by AZ Law

For the Respondent: Mr T. Lindsay, Senior Home Office Presenting Officer

**DECISION PURSUANT TO RULE 40(3)(a) OF THE TRIBUNAL PROCEDURE  
(UPPER TRIBUNAL) RULES 2008**

1. The appellant, a citizen of Iraq, appealed to the First-tier Tribunal (“FtT”) against a decision to refuse her protection claim. The FtT dismissed the appeal on all grounds.
2. Permission to appeal the decision of the FtT having been granted, the appeal came before me at a case management review hearing (“CMR”). At that hearing it was agreed between the parties that the FtT had erred in

law for the reasons advanced in the grounds of appeal upon which permission to appeal was granted (and to which reference may be made for a full understanding of the errors of law).

3. It was further agreed between the parties that the errors of law are such as to require the decision of the FtT to be set aside and for the appeal to be remitted to the FtT for a hearing *de novo*.
4. In the circumstances, I set aside the decision of the FtT for error of law and remit the appeal to the FtT for a hearing *de novo*, on all grounds, before a judge other than First-tier Tribunal Judge Kemp, with no findings of fact preserved.
5. In remitting the appeal I have had regard to paragraph 7.2 of the Practice Statement of the Senior President of Tribunals.
6. Pursuant to rule 40(3)(a) of the Tribunal Procedure (Upper Tribunal) Rules 2008, no reasons (or further reasons) are required, the decision being made with the consent of the parties.
7. It is to be noted that at the hearing before me, on behalf of the respondent consent was given for the 'new matter' of the appellant's relationship with his partner and child to be considered in the course of the appeal.

**A.M. Kopieczek**

Upper Tribunal Judge Kopieczek

8/12/21