



**Upper Tribunal
(Immigration and Asylum Chamber) Appeal Numbers: UI-2022-003289
PA/01255/2021**

THE IMMIGRATION ACTS

**Heard at Field House
On the 9th November 2022**

**Decision & Reasons Promulgated
On the 28 November 2022**

Before

**UPPER TRIBUNAL JUDGE RIMINGTON
DEPUTY UPPER TRIBUNAL JUDGE METZER KC**

Between

**EM
(ANONYMITY DIRECTION MADE)**

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms E Daykin instructed by Stuart & Co Solicitors.

For the Respondent: Mr S Cunha, Senior Home Office Presenting Officer

DECISION AND REASONS

1. In a decision promulgated on 31st May 2022, First-tier Tribunal Judge JG Raymond (“the Judge”) dismissed the appellant’s appeal against the Respondent’s decision dated 8th April 2022, which refused the appellant’s asylum, humanitarian protection and human rights claim.

2. The Appellant's challenge to the Judge's decision was made on the following grounds:

(A) in taking "against" the Appellant a series of matters which were not raised in the Respondent's reasons for refusal letter or by the Respondent's representative at the hearing on 22 April 2022 and that accordingly "*the resultant determination of some 45 pages and 181 paragraphs is in the main an unexpected and therefore unanswered dissection of the Appellant's claim*"; and

(B) in taking an erroneous approach to the "late-mentioned" claim that the Appellant's mother was raped whilst she was in detention in Turkey in that "*The Judge] has failed to appreciate that late disclosure of sexual assault is not uncommon in protection claims and is not necessarily indicative of a lack of credibility*".

3. Permission to appeal was granted on 22nd June on both grounds.
4. At the hearing before us, Ms Cunha helpfully and properly conceded that the Judge had made material errors of law as outlined above. We agree that those errors of law were made, not least that the variety of matters not put to the appellant resulted in procedural error and the decision cannot stand.

Notice of Decision

5. The Judge erred materially for the reasons identified. We set aside the decision pursuant to Section 12(2)(a) of the Tribunals Courts and Enforcement Act 2007 (TCE 2007). Bearing in mind the nature and extent of the findings to be made the matter should be remitted to the First-tier Tribunal under section 12(2) (b) (i) of the TCE 2007 and further to 7.2 (b) of the Presidential Practice Statement.

Directions

6. The appeal should be linked with the appeal of the Appellant's mother, Mrs Hatice Mazlum (who may also be anonymised): HU/56185/2021. The linked appeals should have a Turkish interpreter.

Signed [Anthony Metzger KC](#)
2022

Date 14 November

Deputy Upper Tribunal Judge Metzger KC