



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

Appeal Number: PA/08723/2016

THE IMMIGRATION ACTS

**Heard at Field House
On 25th August 2017**

**Decision & Reasons Promulgated
On 6th September 2017**

Before

DEPUTY UPPER TRIBUNAL JUDGE ZUCKER

Between

**MR EL
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr J Markus of Counsel instructed by Turpin & Miller of
Cowley, Oxford
For the Respondent: Mr T Wilding, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The Appellant is a citizen of Albania whose date of birth is recorded as [] 1996. He appealed a decision to refuse him international protection. That appeal was heard on 9th March 2017 by Judge of the First-tier Tribunal Juss sitting at Birmingham. Judge Juss dismissed the appeal. Not content with

that decision, by Notice dated 21st March 2017 the Appellant made application for permission to appeal to the Upper Tribunal. Permission was granted but because the Appellant was concerned to know whether in fact permission had been granted on all grounds a renewed application was made, and on 25th July 2017 Upper Tribunal Judge Gill granted permission.

2. It is not necessary for me to resolve any matters in this appeal because Mr Wilding concedes that this case does reveal errors of law on the part of the judge. The issue is whether it would be possible for me to remake the decision. However, in the light of the manner in which the case has been decided both parties agreed that the only proper course is for there to be a remittal to the First-tier Tribunal with no preserved findings and for the matter to start again and I so order.
3. I should say that had there not been the concession made by the Secretary of State it was most likely that I would have allowed the appeal and remitted the matter in any event. The Judge has clearly misdirected himself both in how he should deal with findings in an earlier hearing and the need to look at all the evidence in the round.

Notice of Decision

The appeal to the Upper Tribunal is allowed and the matter is remitted to the First-tier Tribunal to be remade with no preserved findings.

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 their 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: 5 September 2017

Deputy Upper Tribunal Judge Zucker