



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: PA/01395/2018

**THE IMMIGRATION ACTS**

Heard at Glasgow  
on 7 September 2018

Decision & Reasons Promulgated  
on 13 September 2018

Before

**UPPER TRIBUNAL JUDGE MACLEMAN**

Between

D O

Appellant

and

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

Respondent

For the Appellant: Mr M Ross, of Ethnic Minorities Law Centre  
For the Respondent: Mrs M O'Brien, Senior Home Office Presenting Officer

**DETERMINATION AND REASONS**

1. This decision is to be read with:
  - (i) The respondent's decision dated 16 January 2018, refusing the appellant's claim.
  - (ii) The appellant's grounds of appeal to the First-tier Tribunal.
  - (iii) The decision of FtT Judge Agnew, promulgated on 15 March 2018.

- (iv) The appellant's grounds of appeal to the UT, stated in the application for permission to appeal dated 28 March 2018.
  - (v) The grant of permission by FtT Judge Lambert, dated 12 April 2018.
2. The respondent conceded that the grounds showed error of law through absence of an adequate explanation of what the judge made of the expert reports, in particular the report of Professor Aguilar. That led to the following outcome.
  3. The decision of the FtT is **set aside**. It stands only as a record of what was said at the hearing.
  4. The nature of this case is such that it is appropriate under section 12 of the 2002 Act and Practice Statement 7.2 to remit to the FtT for an entirely fresh hearing.
  5. The member(s) of the FtT chosen to consider the case are not to include Judge Agnew.
  6. In light of the nature of the claim and the involvement of the appellant's children, an anonymity direction is made. 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.



11 September 2018  
Upper Tribunal Judge Macleman