



**Upper Tribunal  
(Immigration and Asylum Chamber)      Appeal Number: PA/01749/2019**

**THE IMMIGRATION ACTS**

**Decision Under Rule 34 Without a  
hearing  
On 12 November 2020**

**Decision & Reasons  
Promulgated  
On 16 November 2020**

**Before**

**UPPER TRIBUNAL JUDGE PERKINS**

**Between**

**M S R T**

**and**

Appellant

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**DETERMINATION AND REASONS**

1. Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 I make an order prohibiting the disclosure or publication of any matter likely to lead members of the public to identify the Appellant. Breach of this order can be punished as a contempt of court. I make this order because the Appellant is an asylum seeker and so is entitled to privacy.
2. This is an appeal against a decision of the First-tier Tribunal dismissing the Appellant's appeal against a decision of the Respondent refusing him international protection.
3. Permission to appeal was given by Upper Tribunal Judge Finch who identified a catalogue of arguable errors relating to fact finding.
4. Directions were given with a view to determining the appeal without a hearing.

5. Both parties responded to those errors. In a letter dated 18 September 2020 for the Respondent signed by the Specialist Appeals Team the Respondent suggested that the Upper Tribunal “remit the appeal to the First-tier Tribunal for redetermination.
6. The matter of main concern of the Respondent was the First-tier Tribunal’s failure to consider expressly a medical report. This is explained at point 7 of the Grounds.
7. I am also concerned at language suggesting that the First-tier Tribunal lost sight of the low standard of proof.
8. As both sides have asked for the Decision and Reasons to be set aside I see no point in a hearing. Given that nature of the error then remittal is appropriate. The Appellant’s case has not been considered properly.
9. Notice of Decision
10. The First-tier Tribunal erred in law. I set aside its decision and I direct that the appeal be heard again in the First-tier Tribunal.

Jonathan Perkins

Signed  
Jonathan Perkins  
Judge of the Upper Tribunal

Dated 12 November 2020