Upper Tribunal
(Immigration and Asylum Chamber) Appeal number**:** PA/11050/2019

THE IMMIGRATION ACTS

Heard at George House, Edinburgh
On 22 December 2021

Decision & Reason Promulgated
On 14 January 2022

Before

UT JUDGE MACLEMAN

Between

D K R

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

For the Appellant: *Mr A Caskie, Advocate (attending by video link), instructed by Latta & Co, Solicitors*
For the Respondent: *Mr M Diwyncz, Senior Home Office Presenting Officer*

DETERMINATION AND REASONS

1. This is an appeal against the decision of FtT Judge Green, promulgated on 6 April 2021.

2. Mr Diwnycz drew attention to the FtT's findings on the appellant's ability to re-document himself. He said that unfortunately these did not take account of pertinent information published by the SSHD shortly before the hearing in the FtT.

3. It appears that neither side referred the Judge to the relevant policy document.

4. Taking a very fair and candid approach, Mr Diwyncz accepted that once identified, this was an omission which required the decision to be set aside and remade, even in absence of a ground of appeal.

5. The grounds of appeal on which permission was granted are not entirely easy to follow. They were summarised by Mr Caskie as failure to consider all six risk factors on which the appellant relied to show article 15 (c) risk and as obstacles to (re)integration.

6. It was agreed that the case should return to Judge Green to consider the extent to which the appellant establishes any case based on difficulties over documentation, and for remaking in terms of article 15 (c) and on human rights grounds ("very significant obstacles to integration"), taking all relevant factors into account.

7. Parties are reminded that they are both under a duty to place before the FtT all materials necessary for remaking the decision, including the respondent's CPIN's, as updated.

8. There is likely to be further country guidance on documentation issues early next year. While listing is a matter for the FtT, it may be thought best to re-list only once that guidance becomes available.

9. The decision of the FtT is set aside, and remitted for further decision, to the extent set out above. The case should be listed before Judge Green (unless, for any reason, that turns out to be impractical within a reasonable time).

10. The FtT made an anonymity direction, which is maintained at this stage.

22 December 2021
UT Judge Macleman

NOTIFICATION OF APPEAL RIGHTS

1. A person seeking permission to appeal against this decision must make a written application to the Upper Tribunal. Any such application must be **received** by the Upper Tribunal within the **appropriate period** after this decision was **sent** to the person making the application. The appropriate period varies, as follows, according to the location of the individual and the way in which the Upper Tribunal's decision was sent:

2. Where the person who appealed to the First-tier Tribunal is **in the United Kingdom** at the time that the application for permission to appeal is made, and is not in detention under the Immigration Acts, the appropriate period is **12 working days (10 working days, if the notice of decision is sent electronically).**

3. Where the person making the application is in detention under the Immigration Acts**, the appropriate period is 7 working days (5 working days, if the notice of decision is sent electronically)**.

4. Where the person who appealed to the First-tier Tribunal is **outside the United Kingdom** at the time that the application for permission to appeal is made, the appropriate period is **38 days (10 working days, if the notice of decision is sent electronically).**

5. A "working day" means any day except a Saturday or a Sunday, Christmas Day, Good Friday or a bank holiday.

6. The date when the decision is "sent' is that appearing on the covering letter or covering email.