



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

Appeal Number: PA/00560/2017

THE IMMIGRATION ACTS

**Heard at Glasgow
on 19 May 2017**

**Decision &
Promulgated
on 22 May 2017**

Reasons

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

KOYES AHMED

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

For the Appellant: Mr N McCluskey, instructed by Schneider Goldstein,
Immigration Consultants, London

For the Respondent: Mrs M O'Brien, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. The appellant appeals against a determination by First-tier Tribunal Judge Doyle, promulgated on 23 February 2017.
2. The respondent did not accept that the appellant is gay, but the judge did.
3. The judge was not assisted by the fact that the decision letter is framed on the view that the appellant is not gay, and so does not consider the potential consequences if his is gay; the absence of a presenting officer in the FtT; and the apparent concentration of the appellant's efforts on other aspects of the case. However, it was common ground that the judge did not conduct the required analysis, as explained in *HJ and HT* [2010] UKSC 31.

4. Reference may also usefully be made to *X, Y and Z* [2014] QB 1111, founded upon in the grounds, and to *LC (Albania)* [2017] EWCA Civ 351, decided only recently.
5. The resolution of the case was agreed as follows. The decision of the FtT is **set aside**. Its findings of individual fact stand, to the extent that his claim on political grounds is not credible, and that he is a gay man.
6. The nature of further fact-finding and analysis required is such that it is appropriate in terms of section 12(2)(b)(i) of the 2007 Act to **remit the case to the FtT** for further hearing.
7. The member(s) of the FtT chosen to consider the case are not to include Judge Doyle.
8. No anonymity direction has been requested or made.

A handwritten signature in black ink that reads "Hugh Macleman". The signature is written in a cursive style with a large, stylized initial 'H'.

19 May 2017
Upper Tribunal Judge Macleman