



**Upper Tribunal
(Immigration and Asylum Chamber)
PA/02135/2016**

Appeal Number:

THE IMMIGRATION ACTS

Heard at Manchester

Decision & Reasons

Promulgated

On June 30, 2017

On July 4 , 2017

Before

DEPUTY UPPER TRIBUNAL JUDGE ALIS

Between

**MS SHINO AZIZ HAWEZ
(NO ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant Mr Hodson (Counsel)

For the Respondent Mr McVeetie (Senior Home Office Presenting Officer)

DECISION AND REASONS

1. I do not make an anonymity order under rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 (SI 2008/2698 as amended).
2. The appellant entered the United Kingdom on November 18, 2015 and claimed asylum. The respondent refused her application on February 24, 2016 under paragraphs 336 and 339F/339M HC 395.
3. The appellant appealed against that decision on March 1, 2016 under section 82(1) of the Nationality, Immigration and Asylum Act 2002.

4. The appellant's appeal came before former Judge of the First-tier Tribunal Wedderspoon (hereinafter called the "Judge") on November 10, 2016 and in a decision promulgated on December 9 2016 she dismissed the appellant's appeal on all grounds.
5. The appellant appealed that decision on December 23, 2016 and on March 27, 2017 Judge of the First-tier Tribunal Dineen found there was an arguable error of law primarily on the basis the Judge concluded she was not a Kurd despite the respondent accepting this in her decision letter.
6. The matter came before me on the above date.
7. Mr McVeetie invited me to find an error in law and to remit the matter to the First-tier Tribunal because:
 - a. Some of the Judge's findings were inconsistent
 - b. The Judge erred in finding the appellant was not a Kurd despite her speaking Kurdish Sorani at both the interview stage and hearing
 - c. There was a concession by the respondent at paragraph [16] of the refusal letter that she was a Kurd.
8. Mr Hodson agreed that this matter should be remitted back to the First-tier Tribunal for a fresh hearing with no findings preserved.
9. In light of Part 3, Section 7.1 to 7.3 of the Practice Statement I direct the matter should be remitted to the First-tier Tribunal.
10. I direct that any additional evidence should be served on both the Tribunal and other party in accordance with the current Procedural Rules.

DECISION

11. The appeal is remitted back to the First-tier Tribunal for a de novo hearing.
12. A Kurdish Sorani interpreter is required.

Signed:



Deputy Upper Tribunal Judge Alis