



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

Appeal Number: PA/09984/2016

THE IMMIGRATION ACTS

Heard at Field House

On 13 July 2017

**Decision &
Promulgated
On 14 July 2017**

Reasons

Before

UPPER TRIBUNAL JUDGE KOPIECZEK

Between

[M C]

and

Appellant

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms G. Loughran, Counsel

For the Respondent: Mr P. Singh, Senior Home Office Presenting Officer

**DECISION PURSUANT TO RULE 39 OF THE TRIBUNAL PROCEDURE
(UPPER TRIBUNAL) RULES 2008**

1. The appellant is a citizen of Guinea. He appealed to the First-tier Tribunal ("FtT) against a decision dated 7 September 2016 to refuse his asylum and

human rights claim. First-tier Tribunal Judge Geraint Jones Q.C. (“the FtJ”) dismissed his appeal on all grounds after a hearing on 20 March 2017.

2. Permission to appeal against the decision of the FtJ having been granted, his appeal came before me.
3. By consent, the parties agreed the following:
 - (i) the matters advanced in the grounds of appeal to the Upper Tribunal, as supplemented by the oral submissions, reveal material errors of law in the FtJ’s decision in relation to the assessment of credibility, risk on return, the appellant’s age, the conclusions on Article 8 of the ECHR, and in relation to the assessment of the expert evidence; and
 - (ii) that the FtJ’s decision should be set aside; and
 - (iii) that the appeal should be remitted to the First-tier Tribunal for a hearing *de novo* before a First-tier Tribunal Judge other than First-tier Tribunal Judge Geraint Jones Q.C.
4. Having heard the parties, and considering rule 39 of the Tribunal Procedure (Upper Tribunal) Rules 2008, I make a consent order in the terms expressed in [3] above, considering it appropriate to do so, and thus remitting the appeal to the First-tier Tribunal for a hearing *de novo* before a First-tier Tribunal Judge other than First-tier Tribunal Judge Geraint Jones Q.C., with no findings of fact preserved.
5. The consent order is as contained herein, no separate document being required.

Upper Tribunal Judge Kopieczek

13/07/17