



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

Appeal Number: PA/01293/2017

THE IMMIGRATION ACTS

Heard at Bradford

On 27th February 2018

**Decision & Reasons
Promulgated
On 27th March 2018**

Before

DEPUTY UPPER TRIBUNAL JUDGE D E TAYLOR

Between

**EZZAT [Y]
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Nazir of Duncan Lewis Solicitors

For the Respondent: Mrs Petterson, Home Office Presenting Officer

DECISION AND REASONS

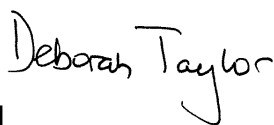
1. This is the Appellant's appeal against the decision of Judge Hillis made following a hearing at Bradford on 9th March 2017.

Background

2. The Appellant is a citizen of Egypt born on [] 1967. He arrived in the UK and claimed asylum on 17th December 2012. He was refused.

3. On 24th January 2017 the Secretary of State refused his present claim, which was made on the basis that he would be persecuted on a return to Egypt as a consequence of having been involved in the purchase of land and construction of a Coptic church which had brought him to the attention of extreme Muslim factions.
4. The judge disbelieved the Appellant's claim to have been involved in the construction of the church and dismissed the appeal.
5. The Appellant sought permission to appeal on the grounds that he had been badly let down by his previous representatives who had failed to provide all of the evidence, upon which he sought to rely, to the Tribunal Judge.
6. Permission was granted on that basis by Judge Francis who observed that, in order to succeed, the Appellant had to show that his previous representatives were aware of the allegation of negligence and what their response to it was.
7. The original judge's determination was promulgated on 23rd March 2017. The Appellant has provided evidence that he made a complaint to them on 4th April which he chased up on 3rd May and subsequently escalated to the legal ombudsman on 9th November 2017. Evidence of receipt has been provided together with confirmation that the previous representatives have not responded.
8. In these circumstances Mrs Petterson agreed that the only proper course was a remittal to the First-tier Tribunal for a de novo hearing.
9. The first instance decision is set aside on the basis that the Appellant has been deprived of his right to a fair hearing, albeit that there is no fault on the part of the Immigration Judge, who could not have been aware of the deficiencies in the documents which were placed before him.
10. Both parties agreed that it would be helpful to have a CMR hearing in the First-tier before the substantive listing, but that of course is a matter for the Resident Judge.
11. The decision of Judge Hillis is set aside. The matter will be reheard by a different judge at Bradford.

No anonymity direction is made.



Signed

Date 19 March 2018

Deputy Upper Tribunal Judge Taylor