



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: PA/05117/2016
PA/05110/2016
PA/05144/2016
PA/05148/2016
PA/05151/2016
PA/05155/2016

THE IMMIGRATION ACTS

Heard at Bradford
On 24th January 2018

Decision & Reasons Promulgated
On 25th January 2018

Before

UPPER TRIBUNAL JUDGE MARTIN

Between

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(ANONYMITY DIRECTION MADE)

Appellants

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Miss Mr T Hussain (instructed by Halliday Reeves Law Firm)
For the Respondent: Miss R Petterson (Senior Home Office Presenting Officer)

DECISION AND REASONS

1. This is an appeal to the Upper Tribunal by the Appellants, with permission, in relation to a Decision and Reasons of Judge Farrelly following a hearing at North Shields on 20th June 2017. In a Decision and Reasons promulgated on 27th June 2017 the appeals were dismissed on all grounds.
2. The Appellants are a mother and her children who claimed asylum on the basis that they were undocumented Bidoons from Kuwait.
3. The grounds argue that the Judge erred in refusing to adjourn the appeal to obtain a new interpreter. I have read the note of evidence of Counsel for the Appellants at that hearing and note that the interpreter difficulties were minor and did not warrant an adjournment.
4. The grounds argue that the Judge made adverse findings on the basis of a mistaken view of the evidence given. While the Judge may have been mistaken about some of the evidence, that related to peripheral matters only and not the core findings.
5. Where the Judge did err however, as accepted by Miss Petterson, was in failing to make any findings about the fact that the main Appellant's husband and his brother had been granted Refugee status in the UK as undocumented Bidoons from Kuwait. The Judge needed to reconcile that with her finding that the Appellants were not from Kuwait and not undocumented Bidoons. It was accepted that they were the pre-flight family of the husband and therefore his status would have had an important bearing on their claims. His status had not been challenged by the Home Office Presenting Officer before the First-tier Tribunal.
6. That error goes to the heart of the appeals and means that the Decision and Reasons must be set aside in its entirety.

Notice of Decision

The appeal to the Upper Tribunal is allowed to the extent that the Decision and Reasons is set aside and the appeal remitted to the First-tier Tribunal for a full rehearing on all issues by a Judge, other than Judge Farrelly, at the Bradford hearing centre.

Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until a Tribunal or court directs otherwise, the Appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him or any member of their family. Failure to comply with this direction could lead to contempt of court proceedings

Signed

Date 24th January 2018

Upper Tribunal Judge Martin