



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: PA/12939/2017

THE IMMIGRATION ACTS

Heard at Field House
On the 11th July 2018 (on the papers)

Decision & Reasons Promulgated
On the 13th July 2018

Before

UPPER TRIBUNAL JUDGE REEDS

Between

MT
(ANONYMITY DIRECTION MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

DECISION AND REASONS

1. The Appellant is a citizen of Iran.
2. **Rule 14: 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
This direction applies both to the appellant and to the respondent.

1. The Appellant with permission, appeals against the decision of the First-tier Tribunal (Judge Hands), who in a determination promulgated on the 11th February 2018 dismissed his appeal against the decision of the Respondent to refuse his protection appeal.
2. Permission was granted by the First-tier Tribunal Judge Mailer on the 12th March 2018.
3. Following the grant of permission the Respondent filed a Rule 24 response indicating that the Respondent does not oppose the application for permission to appeal on the basis that there may have been a procedural error as set out in the grounds and that "the Tribunal is invited to remit the appeal the First-tier Tribunal."
4. As this there is no dispute between the parties that the decision of the First-tier Tribunal involved the making of an error on a point of law the appropriate course is to set aside the decision. I therefore set aside the decision.
5. Under Part 3 paragraph 7.2(b) of the Upper Tribunal Practice Statement of the 25th of September 2012 the case may be remitted to the First-tier Tribunal if the Upper Tribunal is satisfied that:
 - (a) the effect of the error has been to deprive a party before the First-tier Tribunal of a fair hearing or other opportunity for that party's case to be put to and considered by the First-tier Tribunal; or
 - (b) the nature or extent of any judicial fact finding which is necessary in order for the decision in the appeal to be re-made is such that, having regard to the overriding objective in rule 2, it is appropriate to remit the case to the First-tier Tribunal.
6. When applied to this appeal I have determined that the case should be remitted because it is accepted that there had been a procedural error and that a new fact-finding exercise is required. None of the findings of fact are to stand and a complete re-hearing is necessary.
7. It will be remitted to the FTT to be heard afresh on a date to be fixed.

Decision:

The decision of the First-tier Tribunal involved the making of an error on a point of law. The decision is set aside and will be remitted to the First-tier Tribunal

Signed
Upper Tribunal Judge Reeds

Date: 11/7/2018