



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: PA/13218/2017

THE IMMIGRATION ACTS

Heard at Field House
On 24 May 2018

Decision & Reasons Promulgated
On 6 June 2018

Before

Upper Tribunal Judge John FREEMAN

Between

B A M

appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

respondent

Representation:

For the appellant: *Zoe McCallum*, counsel instructed by Sutovic & Hartigan
For the respondent: Mr Steven Kotas

DECISION AND REASONS

1. This is an appeal against a decision in an asylum case given by Judge Claire O'Garro at Hatton Cross on 22 January this year, by someone born in Iran, of Kurdish descent, on 12 February 2001. He arrived by lorry in 2017 and claimed asylum. He was refused soon after, but given leave to remain until he reached the age of 17½ on 12th August this year.
2. The judge gave various reasons for disbelieving his account. She did mention the country expert report, but dismissed it on the basis that it was predicated on the appellant's credibility.
3. However, as Mr Kotas has recognized in conceding that there must be a re-hearing, the country expert report did contain some material relevant to credibility (set out at paragraph

12 of the grounds of appeal), which the judge needed to assess before reaching the conclusion she did.

4. It follows that there will have to be a fresh hearing, which can take place at Hatton Cross, but not before Judge O'Garro.

Appeal allowed: decision set aside

Fresh hearing as directed

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(a judge of the Upper Tribunal)