



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

Appeal Numbers: PA/00620/2019
PA/00624/2019

THE IMMIGRATION ACTS

**Heard at Manchester CJC
On 16 July 2019**

**Decision & Reasons Promulgated
On 22 July 2019**

Before

**UPPER TRIBUNAL JUDGE PLIMMER
DEPUTY UPPER TRIBUNAL JUDGE O'RYAN**

Between

**KA
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ANONYMITY DIRECTIONS MADE**

Appellants

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the appellant: Ms Sachdev, Bury Law Centre

For the respondent: Mr Tan, Senior Home Office Presenting Officer

DECISION

Pursuant to Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 (SI2008/269) an Anonymity Order is made. Unless the Upper Tribunal or Court orders otherwise, no report of any proceedings or any form of publication

thereof shall directly or indirectly identify the original Appellant. This prohibition applies to, amongst others, all parties.

1. We have anonymised the appellants' names because this decision refers to their asylum claims.
2. The appellants have appealed against a decision of the First-tier Tribunal (FTT) sent on 7 March 2019 dismissing their appeals on protection and human rights grounds.
3. Mr Tan conceded that the appellants' grounds of appeal each contain errors of law such that the FTT decision must be set aside and remade by another FTT other than FTT Judge Davies. Both parties therefore consented to the appeal being allowed and the FTT's decision being set aside. They also agreed that the appeal should be remitted to be remade by the FTT de novo. We decided that it is appropriate to take this course pursuant to rule 39 of the Tribunal Procedure (Upper Tribunal) Rules 2008.
4. This is an appeal that turned entirely on the credibility of the appellants' claims. We entirely agree with the parties that Judge Davies' findings are infected by material errors of law, identified in the grounds of appeal, and must be remade entirely. We have had regard to para 7.2 of the relevant *Senior President's Practice Statement* and the nature and extent of the factual findings required in remaking the decision, and we have decided that this is an appropriate case to remit to the FTT to make completely fresh findings of fact.

Decision

5. The decision of the FTT involved the making of a material error of law. Its decision cannot stand and is set aside.
6. The appeal shall be remade by the FTT (a judge other than Judge Davies) de novo.

Signed: *UTJ Plimmer*

Ms M. Plimmer
Judge of the Upper Tribunal

Date:
16 July 2019