



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

PA/06129/2018 (V)

THE IMMIGRATION ACTS

Heard at George House, Edinburgh  
by *Skype for Business*  
On 18 November 2020

Decision & Reasons Promulgated

**On 23 November 2020**

Before

UT JUDGE MACLEMAN

Between

**S**

Appellant

and

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

For the Appellant: Mr S Winter, Advocate, instructed by Katani & Co,  
Solicitors

For the Respondent: Ms A Everett, Senior Home Office Presenting Officer

**DETERMINATION AND REASONS**

1. This determination is to be read with:
  - (i) The respondent's decision dated 24 April 2018, declining to accept that the appellant is Syrian, and considering him to be Egyptian.
  - (ii) The appellant's grounds of appeal to the First-tier Tribunal.
  - (iii) The decision of FtT Judge Blair, promulgated on 12 December 2018.

- (iv) The appellant's grounds of appeal to the UT, (i) – (iv), as stated in the application for permission to appeal filed with the FtT, and expanded upon in his application to the UT.
  - (v) The joint minute between the parties in the Court of Session, agreeing that in refusing permission to appeal, the UT did not consider whether the FtT erred in law in its evaluation and acceptance of the linguistic report.
  - (vi) The grant of permission by the UT, in light of the interlocutor of the Court and the joint minute, dated 16 September 2020.
2. I conducted the hearing from George House. Representatives attended remotely. The technology enabled an effective hearing.
  3. Ground (i) challenges the findings based on the linguistic report. Ground (ii) is inadequacy of reasons for finding the appellant's account implausible. Ground (iii) is that the judge jumped too readily from an adverse finding on the nationality issue. Ground (iv) is that the judge failed to factor the medical report into the credibility assessment.
  4. The grant of permission stems from the concession that ground (i) is arguable, but extends also to the other grounds.
  5. Ms Everett said that the grounds disclosed several errors, none of which might alone have been material, but which, taken together, were such that the decision could not safely stand.
  6. The outcome, as agreed by parties, is that the decision of the FtT is set aside, and the case is remitted to the FtT for a fresh hearing.
  7. The anonymity direction made by the FtT is maintained.



18 November 2020  
UT Judge Macleman

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#### NOTIFICATION OF APPEAL RIGHTS

1. A person seeking permission to appeal against this decision must make a written application to the Upper Tribunal. Any such application must be **received** by the Upper Tribunal within the **appropriate period** after this decision was **sent** to the person making the application. The appropriate period varies, as follows, according to the location of the individual and the way in which the Upper Tribunal's decision was sent.
2. Where the person who appealed to the First-tier Tribunal is **in the United Kingdom** at the time that the application for permission to appeal is made, and is not in detention under the Immigration Acts, the appropriate period is **12 working days (10 working days, if the notice of decision is sent electronically)**.

3. Where the person making the application is in detention under the Immigration Acts, **the appropriate period is 7 working days (5 working days, if the notice of decision is sent electronically).**

4. Where the person who appealed to the First-tier Tribunal is **outside the United Kingdom** at the time that the application for permission to appeal is made, the appropriate period is **38 days (10 working days, if the notice of decision is sent electronically).**

**5. A “working day” means any day except a Saturday or a Sunday, Christmas Day, Good Friday or a bank holiday.**

**6. The date when the decision is “sent’ is that appearing on the covering letter or covering email.**