



IN THE UPPER TRIBUNAL  
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2022-004364  
FtT No: PA/04557/2019

THE IMMIGRATION ACTS

Decision & Reasons Issued:  
On 4 April 2023

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

**CIGDEM YILMAZ**  
(no anonymity order)

Appellant

and

**SSHD**

Respondent

Heard at Field House, London on 27 February 2023

For the Appellant: Mrs S Panagiolopoulou, instructed by Sentinel, Solicitors  
For the Respondent: Mrs A Nolan, Senior Home Office Presenting Officer

**DECISION AND REASONS**

1. FtT Judge Hussain dismissed the appellant's appeal by a decision promulgated on 6 April 2022.
2. The appellant sought permission to appeal to the UT on grounds headlined as (1) error of approach to an expert report; (2) failure to have regard to findings made in a decision on an appeal by the appellant's husband, and to other evidence; (3) failing to give the appellant the opportunity to respond to new points; and (4) lack of reasoning.
3. FtT Judge Parkes granted permission on 4 August 2022.
4. On 12 September 2022 the SSHD responded to the grant of permission: ...

2. ... In line with ground 1 and the grant of permission it is accepted that the Judge materially erred in law.
3. The assertion in ground 2 (iii) that at the hearing the respondent accepted that the appellant and her husband have been detained in 2017 is not accepted and no evidence to support this assertion has been provided.
5. Mrs S Panagiolopoulou welcomed the concession in the rule 24 response (which, unfortunately, through some mishap, had not previously been communicated to the appellant's representatives). She was concerned, however, by the terms of paragraph 3. She said that the matter there referred to arose from the prior decision, containing positive findings, as known to both sides.
6. At this stage it is simply recorded that the prior decision will be a starting point, on well-established principles. It will be open to representatives, in light of all the evidence, to submit on how far it takes the appellant's case.
7. As to the grounds on being taken by surprise, and in so far as similar points may again be made, the appellant is now on notice.
8. Representatives agreed that the outcome should be as follows.
9. The decision of the FtT is set aside. It stands only as a record of what was before the tribunal. The case is remitted for an entirely fresh hearing, not before Judge Hussain.
10. No anonymity order has been requested or made.

Hugh Macleman

Judge of the Upper Tribunal, Immigration and Asylum Chamber  
27 February 2023