



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: AA/03871/2014

THE IMMIGRATION ACTS

Heard at Manchester IAC
On 1st April 2016

Decision & Reasons Promulgated
On 12th April 2016

Before

UPPER TRIBUNAL JUDGE COKER

Between

ALAS ADAM GULEED
(no anonymity order made)

Appellant

And

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms G Patel, counsel, instructed by Broudie Jackson & Canter
For the Respondent: Mr G Harrison, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. The appellant was granted permission to appeal on the grounds it was arguable that the judge failed to conduct the hearing in a procedurally fair manner and misapplied what was then the country guidance *AMM and others (conflict: humanitarian crisis; returnees: FGM) Somalia CG* [2011] UKUT 00445 (IAC).
2. The Rule 24 response by the respondent was not particularly coherent and does not address the grounds as pleaded.

3. Although the appellant's evidence taken at its highest may not, now, result in the appeal being allowed, it was accepted by Mr Harrison that the procedural unfairness should result in the decision being set aside to be remade, no findings retained. On this basis I set aside the decision to be remade.
4. When I have set aside a decision of the First-tier Tribunal, s.12(2) of the TCEA 2007 requires me to remit the case to the First-tier with directions or remake it for ourselves. Where the error of law is such as in this case and the facts are disputed or unclear and reached following a procedurally unfair hearing I conclude that the decision should be remitted to a First-tier judge to determine the appeal.

Conclusions:

The making of the decision of the First-tier Tribunal did involve the making of an error on a point of law.

I set aside the decision and remit the appeal to be heard afresh by a First-tier Tribunal judge (not judge J D L Edwards), no findings of fact preserved.



Date 1st April 2016

Upper Tribunal Judge Coker