



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

Appeal Numbers: PA/01415/2017

THE IMMIGRATION ACTS

**Heard at the Royal Courts of Decision & Reasons Promulgated
Justice**

On 12th June 2017

On 13th June 2017

Before

UPPER TRIBUNAL JUDGE FRANCES

Between

**E M M E
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: In person

For the Respondent: Mr P Duffy, Home Office Presenting Officer

DECISION AND DIRECTIONS

1. The Appellant is a citizen of Egypt born in 1978. He appeals against the decision of First-tier Tribunal Telford, dated 18th March 2017, dismissing his appeal against the refusal of his protection claim on asylum, humanitarian protection and human rights grounds.
2. Permission to appeal was granted by First-tier Tribunal Judge Bird on 18th April 2017 on the grounds that it was arguable the judge erred in law in refusing an adjournment to enable the Appellant to obtain further medical

evidence. The Appellant was epileptic and was vomiting during a short adjournment of the hearing. There was evidence that the Appellant suffered fits and received psychotherapy in detention. It was arguable that, in failing to investigate further and in continuing with the hearing, the judge failed to give the Appellant an opportunity to have a fair and full hearing.

3. Mr Duffy expressed his concern for other matters in the decision, in particular the judge had failed to appreciate the current situation in Egypt in assessing the Appellant's return there in 2006.
4. I find that the judge's refusal to adjourn the hearing was unfair in the particular circumstances of this case. I have decided in accordance with paragraph 7.2 of the Practice Statements of 25th September 2012 that the decision dated 18th March 2017 should be set aside and the appeal remitted to the First-tier Tribunal. None of the judge's findings are preserved.

DIRECTIONS

- (i) The Tribunal is directed pursuant to section 12(3) of the Tribunals, Courts and Enforcement Act 2007 to reconsider the appeal at a hearing before a First-tier Tribunal Judge other than First-tier Tribunal Judge Telford.
- (ii) I direct that the Appellant serve on the Respondent and the Tribunal not less than 14 days before the hearing any further evidence upon which he intends to rely.
- (iii) An Arabic (Middle Eastern) interpreter is required. Time estimate two hours.

J Frances

Signed

Date 12th June 2017

Upper Tribunal Judge Frances