



**Upper Tribunal
(Immigration and Asylum Chamber)
Number: PA/04956/2017**

Appeal

THE IMMIGRATION ACTS

Heard at Field House

On 6 December 2017

**Decision & Reasons
Promulgated**

On 19 December 2017

Before

UPPER TRIBUNAL JUDGE LANE

Between

S A

(ANONYMITY DIRECTION MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Rendle, instructed by Wai Leung Solicitors

For the Respondent: Miss Fijiwala, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant, SA, was born in 1999 and is a male citizen of Afghanistan. He appealed to the First-tier Tribunal (Judge M R Oliver) against a decision of the respondent dated 16 May 2017 refusing to grant him asylum. The First-tier Tribunal, in a decision promulgated on 25 July 2017, dismissed the appeal. The appellant now appeals, with permission, to the Upper Tribunal.
2. In granting permission, Judge Taylor, wrote:

The renewed grounds argue with merit that the Immigration Judge's determination is not adequately reasoned, both in relation to his assessment of the credibility of the appellant's claim and the relevance of the brother's claim and the issue of internal relocation to Kabul bearing in mind that the appellant is a minor.

3. Before the Upper Tribunal, Miss Fijiwala, who appeared for the Secretary of State, agreed that the judge had erred in law in both of the respects indicated by Judge Taylor. She did not seek to support Judge Oliver's decision. In the circumstances, I set aside Judge Oliver's decision. None of the findings of fact shall stand. There needs to be a new fact-finding exercise which is better conducted by the First-tier Tribunal to which this appeal is now remitted.

Notice of Decision

4. The decision of the First-tier Tribunal which was promulgated on 25 July 2017 is set aside. None of the findings of fact shall stand. The appeal is returned to the First-tier Tribunal (not Judge M R Oliver) for that Tribunal to remake the decision.

Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until a Tribunal or court directs otherwise, the appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him or any member of their family. This direction applies both to the appellant and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.

Signed

Date 18 December 2017

Upper Tribunal Judge Lane