



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

Appeal Number: PA/09111/2016

THE IMMIGRATION ACTS

Heard at Field House

On 15 November 2017

**Decision & Reasons
Promulgated**

On 6 December 2017

Before

UPPER TRIBUNAL JUDGE McWILLIAM

Between

**IP
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr P Richardson, Counsel instructed by Eagle Solicitors
For the Respondent: Mr S Kotas, Home Office Presenting Officer

DECISION AND REASONS

**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.

1. The Appellant is a citizen of Turkey and his date of birth is 1 February 2000. He Appellant made an application for asylum which was refused by the Secretary of State in a decision of 17 August 2016.
2. The Appellant's appeal was dismissed by First-tier Tribunal Judge Young-Harry in a decision that was promulgated on 20 April 2017 following a hearing on 15 March 2017. Permission was granted by First-tier Tribunal Judge Norton-Taylor on 5 September 2017.
3. At the hearing before me Mr Kotas conceded that the judge materially erred for the reasons identified by the Appellant in the grounds of appeal. I agree. It is without doubt that the judge failed to take proper account the Appellant's age and vulnerability and he failed to factor this into the assessment of his evidence. This is a procedural irregularity resulting in unfairness. The decision to dismiss the Appellant's appeal is set aside.

Notice of Decision

4. The decision of the FtT to dismiss the Appellant's appeal is set aside. In the light of the nature of the error, I agreed with the parties that the matter should be remitted to the First-tier Tribunal for a fresh hearing.

Directions

5. I make the following directions:
 - (1) **Representations are to be made by the Appellant's solicitors to the First-tier Tribunal within fourteen days of the date of this decision, identifying any measures sought to ensure a fair hearing including the necessity of a CMHR.** Regard is to be had to AM (Afghanistan) v Secretary of State for the Home Department [2017] EWCA Civ 1123 and the Practice Direction First-tier and Upper Tribunal Child, Vulnerable Adult and Sensitive Witness, 30 October 2008 and the Joint Presidential Guidance Note, No. 2 of 2010.
 - (2) Mr Richardson raised concerns at the hearing before me about the ability to take independent evidence from the Appellant and no doubt those concerns will be explored and taken on board by those instructing him.

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Signed Joanna McWilliam

Date 1 December 2017

Upper Tribunal Judge McWilliam