



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

Appeal Number: PA/09439/2016

THE IMMIGRATION ACTS

**Heard at Glasgow
On 15 March 2018**

**Decision & Reasons
Promulgated
On 16 March 2018**

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

JAVAD [A]

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representative:


For the Appellant: Mr T Haddow, Advocate, instructed by Latta & Co,
Solicitors

For the Respondent: Mr M Matthews, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. The respondent refused the appellant's asylum claim for reasons stated in her decision dated 23 August 2016, Annex A, "detailed reasons for refusal".
2. FtT Judge Handley dismissed the appellant's appeal by his decision promulgated on 7 August 2017.

3. The appellant applied to the FtT for permission to appeal to the UT. His grounds are stated in 7 paragraphs. Permission having been refused, he applied to the UT, relying on the same grounds and on “additional points” stated in a further 6 paragraphs.
4. UT Judge Jordan granted permission on 15 December 2017.
5. Mr Matthews conceded that the original grounds (which, by administrative mishap, had not been seen by the respondent prior to the hearing) disclosed two errors by the judge: no clear findings about the appellant’s claimed involvement with Narcotics Anonymous in Iran, and failure to deal with the “corrections” tendered by the appellant to the screening interview. He said that the errors were such that the decision could not safely stand, and a fresh hearing in the FtT was required.
6. It is unnecessary to resolve the other grounds.
7. The appellant agreed to the following outcome.
8. The decision of the FtT is **set aside**. It stands only as a record of what was said at the hearing.
9. The nature of the case is such that it is appropriate in terms of section 12(2)(b)(i) of the 2007 Act and of Practice Statement 7.2 to **remit the case to the FtT** for an entirely fresh hearing.
10. The member(s) of the FtT chosen to consider the case are not to include Judge Handley.
11. No anonymity direction has been requested or made.



15 March 2018

Upper Tribunal Judge Macleman