



**Upper Tribunal
(Immigration and Asylum Chamber)
PA/05418/2018**

Appeal Number:

THE IMMIGRATION ACTS

Heard at Glasgow

**Decision & Reasons
Promulgated
On 16 July 2019**

On 11 July 2019

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

KARWAN AHMEDI

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms H Cosgrove, of Latta & Co, Solicitors
For the Respondent: Mr Diwyncz, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. FtT Judge Fox heard the appellant's appeal on 22 June 2018 and dismissed it by a decision promulgated on 22 February 2018.
2. The decision should have said why there was such a long delay, but does not mention the matter.
3. The unexplained delay is not by itself a reason to set the decision aside, but it is a contributing factor.
4. The Judge said that the appellant's injuries were at level B on the Istanbul Protocol, when at least one injury was at level C. He refers to a report from a psychiatrist, when it was from a psychologist.

5. Further country guidance, issued during the period of delay, might have impacted on the outcome. The possibility should at least have been considered.
6. The grounds of appeal to the UT raise other challenges, which it is unnecessary to resolve. The respondent conceded, fairly and correctly, that the grounds showed that the decision could not safely stand. The following outcome was agreed.
7. The decision of the FtT is set aside. It stands only as a record of what was said at the hearing.
8. The nature of the case is such that it is appropriate under section 12 of the 2007 Act, and under Practice Statement 7.2, to remit to the FtT for an entirely fresh hearing.
9. The member(s) of the FtT chosen to consider the case are not to include Judge Fox.
10. No anonymity direction has been requested or made.

A handwritten signature in black ink that reads "Hugh Macleman". The signature is written in a cursive style with a large, stylized initial 'H'.

11 July 2019
UT Judge Macleman