



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

Appeal Number: PA/08629/2019

THE IMMIGRATION ACTS

**Field House
On 10 March 2020**

**Decision & Reasons Promulgated
On 18 March 2020**

Before

UPPER TRIBUNAL JUDGE KOPIECZEK

Between

**TH
(ANONYMITY DIRECTION MADE)**

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr P. Jorro, Counsel

For the Respondent: Ms A. Everett, Senior Home Office Presenting Officer

**DECISION PURSUANT TO RULE 40(3)(a) OF THE TRIBUNAL PROCEDURE
(UPPER TRIBUNAL) RULES 2008**

1. The appellant, a citizen of Bangladesh, born in 1991, appealed to the First-tier Tribunal (“FtT”) against a decision dated 2 September 2019, to refuse a protection and human rights claim. The FtT dismissed the appellant’s appeal.
2. At the hearing before me on 10 March 2020 it was agreed between the parties that the FtT erred in law for the reasons advanced in the grounds of appeal upon which permission to appeal was granted, and in particular

Number: PA/08629/2019

in terms of the assessment of the credibility of the claim by, amongst other things:

- (i) failing to take into account or assess relevant documentary evidence in support of the appeal; and
 - (ii) failing to take into account or assess relevant expert and background evidence.
3. It was also agreed between the parties that the errors of law are such as to require the decision of the FtT to be set aside and for the appeal to be remitted to the FtT for a hearing *de novo*.
 4. In the circumstances, I set aside the decision of the FtT for error of law and remit the appeal to the FtT for a hearing *de novo*, on all grounds, before a judge other than First-tier Tribunal Judge Hanbury, with no findings of fact preserved.
 5. In remitting the appeal I have had regard to paragraph 7.2 of the Practice Statement of the Senior President of Tribunals.
 6. Pursuant to rule 40(3)(a) of the Tribunal Procedure (Upper Tribunal) Rules 2008, no reasons (or further reasons) are required, the decision being made with the consent of the parties.

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

Because this is a protection claim, 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 his 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.

Upper Tribunal Judge Kopieczek
2020

Date: 10 March