



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

Appeal Number: PA/11037/2019 (P)

THE IMMIGRATION ACTS

**Decided under Rule 34
On 2 October 2020**

**Decision & Reasons Promulgated
On 8 October 2020**

Before

UPPER TRIBUNAL JUDGE LANE

Between

**ZFAH
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

DECISION AND REASONS (P)

1. The appellant was born in 1975 and is a citizen of Saudi Arabia. He appealed to the First-tier Tribunal against the decision of the Secretary of State dated 24 October 2020 refusing him international protection. The First-tier Tribunal, in a decision promulgated on 5 February 2020, dismissed the appeal. The appellant now appeals, with permission, to the Upper Tribunal.
2. Both parties have responded to the directions issued by the Upper Tribunal on 16 July 2020. In the light of the responses, I consider that this appeal may fairly be determined without a hearing. The Secretary of State, in R24 notice dated 22 July 2020, acknowledges that the decision of the First-tier Tribunal is flawed by legal error such that it should be set aside. The judge misunderstood the evidence of the appellant, in particular believing incorrectly that the appellant claimed that he had returned to Saudi Arabia after he had been tortured by the Saudi

authorities. I agree with both parties that the error of law is such that the credibility assessment conducted by the First-tier Tribunal is unreliable and that there will need to be a fresh fact-finding exercise which is better conducted in the First-tier Tribunal to which this appeal is returned for that Tribunal to remake the decision at or following a hearing *de novo*. None of the findings of fact shall stand.

Notice of Decision

The decision of the First-tier Tribunal is **set aside**. None of the findings of fact shall stand. The appeal is returned to the First-tier Tribunal (not Judge A J Parker; Manchester; first available date) for that Tribunal to remake the decision at or following a hearing *de novo*.

Signed

Date 2 October 2020

Upper Tribunal Judge Lane

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

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