



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

Appeal Number: PA/13955/2018

**THE IMMIGRATION ACTS**

**Field House  
On 11 December 2019**

**Decision & Reasons Promulgated  
On 13 December 2019**

**Before**

**UPPER TRIBUNAL JUDGE KOPIECZEK**

**Between**

**IZ  
(ANONYMITY DIRECTION MADE)**

Appellant

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr M. Fazli (Legal Representative)

For the Respondent: Mr E. Tufan, 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 the Afghanistan born in 2005, appealed to the First-tier Tribunal ("FtT") against a decision dated 30 November 2018 to refuse a protection and human rights claim. The FtT dismissed the appellant's appeal.
2. At the hearing before me on 11 December 2019 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 by:

- (i) making a mistake as to fact in the assessment of the credibility of the appellant's claim in terms of the distance between Bati Kot and Jalalabad airport; and
  - (ii) failing to consider written evidence in support of the appellant's claim said to be from the appellant's maternal uncle.
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 K.L. James, 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

In preparation for the forthcoming hearing before the FtT, the appellant is to file with the FtT and serve, a complete copy of an appellant's bundle as it appears that the bundle that was previously before the FtT omitted pages 70-91.

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

Because the appellant is a minor and 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

11/12/19