



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

PA/13194/2018 (V)

THE IMMIGRATION ACTS

Heard at George House, Edinburgh
by *Skype for Business*
On 7 October 2020

Decision & Reason Promulgated

On 13 October 2020

Before

Upper Tribunal JUDGE MACLEMAN

Between

N B

and

Appellant

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

For the Appellant: Mr D Cox, of Latta & Co, Solicitors
For the Respondent: Mr S Whitwell, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. FtT Judge Debra H Clapham dismissed the appellant's appeal by a decision promulgated on 17 June 2019.
2. This determination is to be read along with the decision of UT Judge Owens, promulgated on 6 July 2020, setting aside the decision of Judge Clapham for material error on a point of law.

3. The case came before me for review on 7 October 2020. I conducted the hearing from George House. Representatives attended remotely. No members of the public attended, either in person or remotely. The technology functioned without difficulty, enabling an effective hearing.
4. The case requires entirely fresh hearing. The appellant proposes to adopt her previous statements, to provide a further updating statement, and to tender herself for cross-examination. That is likely to be a quite substantial exercise. It needs to take place through an interpreter. Parties agree that it is preferable that should take happen at a face to face hearing, not a remote hearing, if possible.
5. At present, in Scotland, no face to face hearings are being held in the UT, but are taking place in the FtT.
6. Mr Whitwell mentioned that further country guidance on Ethiopia is likely to emerge, but that may be at a quite distant date. Parties did not consider that new guidance might relate to any matter crucial to this case, such as might justify any delay.
7. In all the circumstances, parties agreed that the resolution of this case by the UT should be as follows.
8. The decision of the FtT has been set aside, and stands only as a record of what was said at the hearing, with no findings preserved.
9. 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 a fresh hearing, not before Judge Clapham.
10. An anonymity direction remains in place at this stage.



7 October 2020
UT Judge Macleman

NOTIFICATION OF APPEAL RIGHTS

1. A person seeking permission to appeal against this decision must make a written application to the Upper Tribunal. Any such application must be **received** by the Upper Tribunal within the **appropriate period** after this decision was **sent** to the person making the application. The appropriate period varies, as follows, according to the location of the individual and the way in which the Upper Tribunal's decision was sent.
2. Where the person who appealed to the First-tier Tribunal is **in the United Kingdom** at the time that the application for permission to appeal is made, and is not in detention under the

Immigration Acts, the appropriate period is **12 working days (10 working days, if the notice of decision is sent electronically).**

3. Where the person making the application is in detention under the Immigration Acts, **the appropriate period is 7 working days (5 working days, if the notice of decision is sent electronically).**

4. Where the person who appealed to the First-tier Tribunal is **outside the United Kingdom** at the time that the application for permission to appeal is made, the appropriate period is **38 days (10 working days, if the notice of decision is sent electronically).**

5. A “working day” means any day except a Saturday or a Sunday, Christmas Day, Good Friday or a bank holiday.

6. The date when the decision is “sent” is that appearing on the covering letter or covering email.