



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

Appeal Number: PA/07054/2017

THE IMMIGRATION ACTS

**Heard at Field House
On 23 February 2018**

**Decision & Reasons
Promulgated
On 19 March 2018**

Before

DEPUTY UPPER TRIBUNAL JUDGE APPLEYARD

Between

**[M G]
(~~ANONYMITY DIRECTION NOT MADE~~)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Slatter, Counsel.

For the Respondent: Mr L. Tarlow, Home Office Presenting Officer.

DECISION AND REASONS

1. Mr Slatter indicated that his client, the Appellant was not present at the hearing centre and invited me to proceed. There was no reason not to. The Appellant is a citizen of Iran who sought international protection. That application was refused on 12 July 2017 and he appealed. Following a hearing, Judge of the First-tier Tribunal Davidson, in a decision promulgated on 14 September 2017, dismissed the Appellant's appeal.

2. The Appellant sought permission to appeal which was initially refused by Judge of the First-tier Tribunal Pickup. However, a renewed application was made and permission granted by Upper Tribunal Judge Kamara on 8 January 2018. Her reasons for so doing were: -
 - “1. The Appellant appeals the decision of First-tier Tribunal Davidson promulgated on 14 September 2017.
 2. While the facts of this case are not the strongest, given the brevity of the Judge’s findings set out at [20] of the decision, it is arguable that the reasons were insufficient and that there was an absence of anxious scrutiny for the reasons as set out in the grounds.”
3. Thus, the appeal came before me today.
4. Mr Slatter relied on the grounds dated 30 November 2017 and argued that the First-tier Tribunal Judge had failed to give adequate reasons for finding the Appellant lacked credibility. That such reasons as were given by the Judge are insufficient and not commensurate with the obligation of anxious scrutiny. He further argued that it was not open to the Judge to say that the Appellant’s answers were “vague and evasive” without giving any examples in support of such a contention. The Judge gives no indication of how the account lacked detail or specificity. The failure by the Judge to explain how the Appellant was vague and evasive without putting the appellant and his representative on notice of the same was unfair and open to criticism that the Judge did not take into account underlying factors in the evidence given by the minor Appellant such as his age, lack of education etc. The Judge failed to make adequate findings of fact upon factual issues in dispute between the parties as highlighted in Counsel’s skeleton argument to the First-tier Tribunal and failed to give adequate reasons why the Appellant would not be at risk on return to Iran if his account were accepted.
5. Not surprisingly Mr Tarlow relied on the Respondent’s Rule 24 notice of 1 February 2018 contending that the brevity of the fact finding is directly related to the brevity of evidence provided by the Appellant and that the Judge had come to findings that were open to be made on the facts of the appeal which the Judge in granting permission noted were “not the strongest”. The Judge, he argued, directed himself appropriately.
6. I have carefully considered the competing arguments. I find that for the reasons put forward in the grounds to the Upper Tribunal within the renewed application for permission to appeal the Judge has materially erred. In short, his decision is inadequately reasoned. I am satisfied that the evidence has not properly been considered by the First-tier Tribunal and there has been consequently a deprivation of opportunity for the Appellant to put his case properly. In the circumstances I have decided to remit this appeal to the First-tier Tribunal to be heard de novo.

Decision

The making of the decision in the First-tier Tribunal involved the making of an error on a point of law. The decision is set aside. The appeal is remitted to the First-tier Tribunal to be dealt with afresh pursuant to Section 12(2)(b)(i) of the Tribunals, Courts and Enforcement Act 2007 and Practice Direction 7(b) before any Judge aside from Judge Davidson.

No anonymity direction is made.

Signed

Date 16 March 2018.

Deputy Upper Tribunal Judge Appleyard