



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

PA/11497/2017

THE IMMIGRATION ACTS

Heard at Glasgow
On 24 January 2019

Decision & Reasons Promulgated
On 14 February 2019

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

S S [K]

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

For the Appellant: Ms N Loughran, of Loughran & Co, Solicitors
For the Respondent: Mr M Matthews, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. The appellant appeals against the decision of FtT Judge Gillespie, promulgated on 11 May 2018, on the grounds set out at [1 - 8] of his application dated 24 July 2018.
2. Mr Matthews conceded that grounds [1 - 3], at least, disclosed errors of such significance that the decision could not safely stand.
3. Those grounds showed that [1] the judge found a discrepancy in the appellant's evidence about his arrest, where there was none; [2] the judge found an omission in an answer about injuries when there was none,

looking at the question asked and bearing in mind the nature of a screening interview; and [3] the judge was incorrect in saying that the appellant did not mention his injuries at his asylum interview.

4. Representatives agreed that the outcome should be as follows.
5. The decision of the FtT is set aside. It stands only as a record of what was said at the hearing. 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 an entirely fresh hearing. The member(s) of the FtT chosen to consider the case are not to include Judge Gillespie.
6. No anonymity direction has been requested or made.

A handwritten signature in black ink that reads "Hugh Macleman". The signature is written in a cursive style with a large, stylized initial 'H'.

24 January 2019
UT Judge Macleman