



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

Appeal Number: PA/12701/2019

THE IMMIGRATION ACTS

**On Papers
On 1 November 2021**

**Decision & Reasons Promulgated
On 22 November 2021**

Before

UPPER TRIBUNAL JUDGE BRUCE

Between

**BJ
(anonymity direction made)**

Appellant

and

Secretary of State for the Home Department

Respondent

DECISION

1. The Appellant is an Iranian citizen born in 1991. She seeks protection, and/or leave on human rights grounds.

Anonymity

2. This a claim for protection. Having had regard to Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 and the Presidential Guidance Note No 1 of 2013: Anonymity Orders I therefore consider it appropriate to make an order in the following terms:

“Unless and until a tribunal or court directs otherwise, the Appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify her or any

member of her family. This direction applies to, amongst others, both the Appellant and the Respondent. Failure to comply with this direction could lead to contempt of court proceedings”

Background

3. The salient history of this matter is as follows. The Appellant arrived in the United Kingdom on the 12th August 2018 and claimed asylum the same day. The Respondent refused to grant protection and the Appellant appealed to the First-tier Tribunal. On the 27th April 2020 the First-tier Tribunal (Judge Buchanan) dismissed the Appellant’s appeal. She sought permission to appeal to the Upper Tribunal. Permission was granted by Judge Page on the 22nd May 2020. On the 25th August 2020 the appeal was dismissed by Upper Tribunal Judge Pickup, who was not satisfied that Judge Buchanan had erred in law.
4. The Appellant appealed to the Court of Appeal. Permission was initially refused by Judge Pickup, but was granted, upon renewed application, by Lord Justice Holroyde, who considered it arguable that both Judge Buchanan, and consequently Judge Pickup, had erred in their approach to the credibility assessment of the Appellant and her witness. The matter was subsequently settled by consent, with the Respondent accepting that the Tribunals below had erred in approach to discrepancies arising in the evidence from the ‘screening interview’ (SI). A Statement of Reasons was sealed by Master Bancroft-Rimmer on the 26th July 2021 as follows:

“The parties agree that the Upper Tribunal erred in giving undue weight to the Appellant’s answers in her SI as relevant to the FTT’s assessment of her credibility (to clarify, the Secretary of State has been unable to locate any notes taken by the Interviewing Officer, although it is not in fact usual practice for additional notes to be taken by an Interviewing Officer when conducting screening interviews).

In the circumstances, and in light of the above, the parties are agreed that the matter should be remitted to the Upper Tribunal for reconsideration by a differently constituted Tribunal”

Disposal

5. The matter was due to come before me on the 2nd November 2021 at the Manchester Civil Justice Centre. On the 1st November 2021 the parties informed the Tribunal that the matter before the Upper Tribunal was settled by consent. In light of the Respondent’s concession in the Court of Appeal Senior Presenting Officer Mr Tan

indicated that the Respondent was content for the matter to be remitted to the First-tier Tribunal to be heard *de novo* by a judge other than Judge Buchanan.

6. I therefore find that the decision of Judge Buchanan was flawed for material error of law as identified in the Statement of Reasons, and set that decision aside in its entirety. I remit the matter to be re-heard afresh in the First-tier Tribunal by a judge other than Judge Buchanan.

Decisions

7. The decision of the First-tier Tribunal is set aside.
8. The decision will be re-made in the First-tier Tribunal.
9. There is an order for anonymity.

Upper Tribunal Judge Bruce
2nd November

2021