



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

Appeal Number: AA/04462/2014
AA/04461/2014
AA/04465/2014
AA/04467/2014
AA/04469/2014

THE IMMIGRATION ACTS

**Heard at Bradford
On 9 October 2014**

**Determination Sent
On 13 October 2014**

Before

**UPPER TRIBUNAL JUDGE
D E TAYLOR**

Between

**KG
KG
MG
MG
MG**

Appellant

And

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms Khan, Counsel, instructed by Maz Shah Legal.
For the Respondent: Mr Diwncyz, HOPO

DETERMINATION AND REASONS

1. This appeal came before Judge Hindson on 31 July 2014. He dismissed the appellant's appeal on asylum grounds.
2. In doing so he did not make any reference to the evidence of the second appellant, which was crucial to his decision since the claim is based at least in part on a fear of her brother, said to be a senior member of the local Taliban who had kidnapped her.
3. Neither did he make reference to one of the grounds upon which it was said that the family were at risk on return, namely that the first appellant had worked for a western organisation, a German charity.
4. Mr Diwncyz accepted that the determination could not stand and that the proper course was a remittal to the First-tier Tribunal.
5. The decision of Judge Hindson is set aside on the basis that he did not have regard to all of the relevant evidence in reaching his decision, and did not determine one of the grounds of appeal before him.
6. The appellant was not represented before the FTT, and there are no witness statements. The case should therefore be set down for a CMR before a judge other than Judge Hindson so that proper listing directions can be made. It should then be listed for a de novo hearing to be reheard afresh by a differently constituted first-tier tribunal, not to include Judge Hindson, at Bradford, with all issues at large.

Signed

Date

Judge of the Upper Tribunal