



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

Appeal Number: AA/00096/2016

THE IMMIGRATION ACTS

**Heard at City Centre Tower, Decision & Reasons Promulgated
Birmingham**

On 15th December 2017

On 6th February 2018

Before

DEPUTY UPPER TRIBUNAL JUDGE RENTON

Between

ALI [G]

(ANONYMITY DIRECTION NOT MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr S Woodhouse of SH & Co Solicitors

For the Respondent: Mrs H Aboni, Home Office Presenting Officer

DECISION AND REASONS

Introduction

1. The Appellant is a male citizen of Syria born on 1st January 1986. He entered the UK illegally on 3rd October 2014 and applied for asylum on 23rd December 2014. That application was refused for the reasons given in the Respondent's Asylum Decision dated 12th January 2016. The Appellant appealed, and his appeal was heard by Judge of the First-tier Tribunal Juss (the Judge) sitting at Birmingham on 25th August 2016. He decided to allow the appeal for the reasons given in his Decision dated 4th October

2016. The Respondent sought to leave to appeal that decision, and on 7th September 2017 such permission was granted.

Error of Law

2. I must first decide if the decision of the Judge contained an error on a point of law so that it should be set aside.
3. The Appellant sought asylum on the basis that he was at risk on return to Syria as an ethnic Turkman. The only issue before the Judge was whether the Appellant was of Turkish or Syrian nationality. The Judge allowed the appeal because he found the Appellant to be credible and believed his account that he was an ethnic Turkman from a village on the Syrian/Turkish border but nevertheless was a Syrian national.
4. At the hearing before me, Mrs Aboni helpfully informed me that it was no longer disputed that the Appellant was a Syrian citizen and that it was the policy of the Home Office that it was too dangerous and therefore not possible to return any Syrian citizens to Syria. Any error of law by the Judge was therefore not material.
5. I indicated to Mr Woodhouse that there was no need for me to hear from him. On the basis that the Appellant's citizenship was no longer disputed and that it was the policy of the Home Office not to return any Syrian citizens to Syria at the present time, I accept Mrs Aboni's suggestion and find that there was no material error of law in the decision of the Judge.

Notice of Decision

The making of the decision of the First-tier Tribunal did not involve the making of a material error on a point of law.

I do not set aside that decision.

The appeal to the Upper Tribunal is dismissed.

Anonymity

The First-tier Tribunal did not make an order for anonymity. I was not asked to do so, and indeed find no reason to do so.

Signed

Date 2nd February 2018

Deputy Upper Tribunal Judge Renton