



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

Appeal Number: PA/04231/2017

THE IMMIGRATION ACTS

**Heard at the RCJ
On 26th March 2018**

**Determination Promulgated
On 28th March 2018**

Before

UPPER TRIBUNAL JUDGE COKER

Between

THANH KHA LE

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation

For the appellant: Mr A Kahan counsel instructed by Thompson & Co solicitors

For the respondent: Mr I Jarvis, Senior Home Office Presenting Officer

DETERMINATION BY CONSENT

1. Pursuant to Rule 39 of the Tribunal Procedure (Upper Tribunal) Rules 2008 and by the consent of the parties the following order is made:

“Upon the determination by First-Tier Tribunal Judge Geraint Jones QC promulgated on 7th June 2017 disclosing a material error of law and being set aside on 26th March 2018.

And upon the parties agreeing that the evidence establishes that Mr Le would be at serious risk of being persecuted for a Convention reason, the appeal by Mr Le against the refusal of his protection claim is allowed.”

2. The appeal in the Upper Tribunal is allowed. The decision of the First-tier Tribunal is set aside for legal error. The appeal against the decision giving rise to the appeal in the First-tier Tribunal is allowed.

Signed

Date 26th March 2018

Upper Tribunal Judge Coker