



**Upper Tribunal
(Immigration and Asylum Chamber)
PA/04531/2016**

Appeal Number:

THE IMMIGRATION ACTS

Heard at Bradford

Decision & Reasons

On 3 January 2018

Promulgated

On 4 January 2018

Before

DEPUTY UPPER TRIBUNAL JUDGE SAFFER

Between

SY

(ANONYMITY ORDER MADE)

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Nazeer a Solicitor

For the Respondent: Mr Moueety a Home Office Presenting Officer

DECISION AND REASONS

Background

1. This decision is in short form, as given the concession by the Respondent that the appeal should be allowed, no specific detail is required.
2. Pursuant to Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 (SI 2008/269) I make an anonymity order. Unless the Upper Tribunal or a Court directs otherwise, no report of these proceedings or any form of publication thereof shall directly or indirectly identify SY or any of his family members. This direction applies to, amongst others, all parties. Any failure to comply with this direction could give rise to

Contempt of Court proceedings. I do so in order to preserve the anonymity of SY who, as will be seen, is a refugee.

3. The Respondent refused SY's application for asylum or ancillary protection on 27 April 2016. His appeal against this was dismissed by First-tier Tribunal Judge Kempton ("the Judge") following a hearing on 16 May 2017.

The grant of permission

4. Judge Brunnen granted permission to appeal (18 September 2017) as it is arguable that the Judge materially erred as, having found SY to be Syrian, she did not allow the appeal given the Respondent's explicit concession that he was a refugee if he was Syrian due to his particular circumstances.

Respondent's position

5. It was conceded in the rule 24 notice (9 October 2017) and orally to me that the appeal should be allowed given the Respondent's explicit concession.

Discussion

6. Given the concession made by the Respondent I am satisfied that a material error of law occurred. I set aside the decision. As requested by both parties, I remake the decision by allowing SY's appeal on asylum and human rights grounds.

Decision:

The making of the decision of the First-tier Tribunal did involve the making of an error on a point of law.

I set aside the decision.

I allow the appeal on asylum and human rights grounds.

A handwritten signature in black ink, appearing to be 'L. Smith', written in a cursive style. The signature is positioned at the bottom left of the page, below the text of the decision.

Deputy Upper Tribunal Judge Saffer
3 January 2018