



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

Appeal Number: PA/06125/2016

THE IMMIGRATION ACTS

Heard at City Centre Tower, Birmingham

Decision & Reasons

On 26th February 2018

**Promulgated
On 21st March 2018**

Before

DEPUTY UPPER TRIBUNAL JUDGE RENTON

Between

**B K
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Unrepresented

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

DECISION AND REASONS

Introduction

1. The Appellant is a male Kurdish citizen of Iraq born on [] 1990. He entered the UK illegally on 1st December 2015 and applied for asylum the following day. That application was refused for the reasons given in an Asylum Decision dated 9th June 2016. The Appellant appealed, and his appeal was heard by First-tier Tribunal Judge Perry (the Judge) sitting at Birmingham on 14th December 2016. He decided to dismiss the appeal for the reasons given in his Decision dated 4th January 2017. The Appellant

sought leave to appeal that decision, and on 25th October 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. At the hearing before me there was no appearance by or on behalf of the Appellant. I decided to hear the appeal in his absence in accordance with the provisions of Rule 38 of the Tribunal Procedure (Upper Tribunal) Rules 2008. I was satisfied that the Appellant had been properly notified of the time, date, and place of the hearing, and for reasons which will become apparent later, I considered it in the interests of justice to proceed.
4. At the hearing, Mrs Aboni confirmed that it was conceded by the Respondent as stated in the Rule 24 response that there was a material error of law in the decision of the Judge which therefore should be set aside. She further agreed that the decision in the appeal should be remade in the First-tier Tribunal in accordance with paragraph 7.2(b) of the Practice Statements as judicial fact-finding was necessary.
5. I therefore find a material error of law in the decision of the Judge which I set aside. The decision in the appeal will be remade in the First-tier Tribunal. I need not give reasons for my decision in accordance with the provisions of Rule 40(3)(a) of the Procedure Rules.

Notice of 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 that decision.

The decision in the appeal will be remade by the First-tier Tribunal.

Anonymity

The First-tier Tribunal made an order for anonymity which I continue for the reasons given by the First-tier Tribunal.

Signed

Date 19th March 2018

Deputy Upper Tribunal Judge Renton