



**Upper Tribunal
(Immigration and Asylum Chamber)
PA/07019/2017**

Appeal Number:

THE IMMIGRATION ACTS

**Heard at Field House
On 11 January 2018**

**Decision & Reasons
Promulgated
On 8 February 2018**

Before

DEPUTY UPPER TRIBUNAL JUDGE MAHMOOD

Between

**RAI
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms P Solanki, Counsel instructed by Fadiga & Co
For the Respondent: Mr T Wilding, Senior Presenting Officer

There will be an anonymity direction. That is because the Appellant has sought asylum. The Appellant will be known as RAI.

Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until a Tribunal or court directs otherwise, the Appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him or any member of their family. This direction applies both to the Appellant and to the Respondent. Failure to comply with this direction could lead to contempt of court proceedings.

DECISION AND REASONS

1. The Appellant appeals with permission against a decision of First-tier Tribunal Oliver sitting at Hatton Cross on 23rd August 2017. By way of a decision and reasons promulgated on 19th September 2017 the judge dismissed the Appellant's protection claim. Permission to appeal was granted by First-tier Tribunal Judge Pooler by way of a decision dated 16th October 2017.
2. The matter has come for hearing before me this morning and the parties have presented a joint position. Ms Solanki and Mr Wilding say they have had the opportunity to consider the matter before the hearing commenced and that they both agree that the judge's determination cannot stand but there should be a remittal of the matter to the First-tier Tribunal to enable there to a complete re-hearing.
3. In my judgment, the concession made by the Respondent in this case is entirely appropriate and indeed when I look at paragraph 20 of the judge's decision, (which comprises about 16 lines), one is to find the complete decision making and findings. I have to say in view of the relative complexity of the Appellant's case, those findings do indeed appear to be inadequate. Therefore I am not surprised by the approach which is taken by the Secretary of State in this case.
4. In the circumstances and especially in view of the agreed position of the parties, I conclude that there is a material error of law in the decision of the First-tier Tribunal. The decision of the First-tier Tribunal is therefore set aside. There shall be a re-hearing on all issues at the First-tier Tribunal at the Hatton Cross Hearing Centre. None of the current findings shall stand.

Notice of Decision

The decision of the First-tier Tribunal contains a material error of law and is set aside.

There shall be a re-hearing on all issues at the First-tier Tribunal. None of the current findings shall stand.

Signed A. Mahmood

Date: 11 January 2018

Deputy Upper Tribunal Judge Mahmood