



**Upper Tribunal
(Immigration and Asylum Chamber)
PA/09336/2016**

Appeal Number:

THE IMMIGRATION ACTS

Heard at Field House

On April 11, 2018

**Decision &
Promulgated
On April 16, 2018**

Reasons

Before

DEPUTY UPPER TRIBUNAL JUDGE ALIS

Between

AHMED [H]

(NO ANONYMITY DIRECTION MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Claire, Counsel, instructed by Wai Leung Solicitors

For the Respondent: Mr Deller, Senior Home Office Presenting Officer

DECISION AND REASONS

1. I do not make an anonymity order.
2. The appellant claimed to be a Syrian national; albeit this was disputed by the respondent. On August 27, 2015 he applied for leave to remain but his application was refused on August 19, 2016.
3. The appellant lodged grounds of appeal under Section 82(1) of the Nationality, Immigration and Asylum Act 2002 on September 2, 2016. His appeal came before Judge of the First-tier Tribunal Abrebrese (hereinafter called "the Judge") on November 29, 2017 and in a decision promulgated on December 29, 2017 the Judge refused his appeal on all grounds.

4. The appellant appealed the decision on January 11, 2018. Permission to appeal was granted by Designated Judge of the First-tier Tribunal MacDonald on January 24, 2018.
5. The matter came before me on the above date and the parties were represented as set out above. They both agreed the Judge had erred because the finding that the appellant was Palestinian was unreasoned especially as it was the respondent's case he was Egyptian and the appellant's case he was Syrian. The Judge referred to "subjective and objective evidence" for reaching this conclusion but failed to identify such evidence.
6. Nationality was a key issue in this case and Mr Deller conceded this finding was fundamentally flawed as no evidence had been identified by the Judge to support his finding.
7. In the circumstances the parties invited me to remit this matter to the First-tier Tribunal for a de novo hearing.
8. In light of the above issue I concluded there was an error in law and there was no alternative to effectively restarting the appeal process.

DECISION

9. 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 remit the decision to the First-tier Tribunal to be heard by a Judge other than Judge of the First-tier Tribunal Abrebrese.

Signed

Date 11/04/2018



Deputy Upper Tribunal Judge Alis