



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

Appeal Number: PA/10576/2016
PA/10599/2016

THE IMMIGRATION ACTS

Heard at Glasgow

**Decision and
Promulgated**

Reasons

On 9 March 2018

On 10 April 2018

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

**KIFLOM [Y] & ESTFANOS [G]
(Anonymity direction not made)**

Appellants

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr S Winter, Advocate, instructed by DGF, Solicitors

For the Respondent: Mr M Matthews, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. The appellants are husband and wife, nationals of Eritrea. They appealed to the FtT against decisions of the respondent dated 19 September 2016.
2. FtT Judge P A Grant-Hutchison dismissed both appeals by a determination promulgated on 17 June 2017.

3. The FtT refused the appellants' application for permission to appeal to the FtT.
4. The appellants sought permission from the UT, on different grounds, attached to their application dated 26 October 2017.
5. The grounds, read shortly, are that the appellants were found to have left Eritrea illegally while the first was subject to national service and the second was of draft age, and country guidance was that they were therefore entitled to protection.
6. Mr Matthews correctly conceded that the grounds were well taken and that the effect of the judge's findings in fact was that the outcome should be reversed.
7. The decision of the First-tier Tribunal is set aside, and the following decision is substituted: the appeals, as brought to the FtT, are allowed.
8. No anonymity direction has been requested or made.

A handwritten signature in black ink, reading "Hugh Macleman". The signature is written in a cursive style with a large, stylized initial 'H'.

9 March 2018
Upper Tribunal Judge Macleman