



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

Appeal Number: PA/08699/2018

**THE IMMIGRATION ACTS**

**Heard at Manchester Civil Justice Centre  
on 13<sup>th</sup> December 2018 and given *Ex  
tempore***

**Decision & Reasons  
Promulgated  
on 9<sup>th</sup> January 2019**

**Before**

**Upper Tribunal Judge Chalkley**

**Between**

**BILEN [A]  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

*For the Appellant: Mr D Sills of Counsel, instructed by J D Spicer Zeb  
Solicitors*

*For the Respondent: Mr A McVeety, a Home Office Presenting Officer*

**DECISION AND REASONS**

1. The appellant claims to be a citizen of Eritrea whereas the respondent believes her to be an Ethiopian citizen. She was born on 29<sup>th</sup> October 1997 and arrived in the United Kingdom on 20<sup>th</sup> December 2017, when she claimed asylum.

2. The respondent refused her application on 1<sup>st</sup> July 2018 and she appealed to the First-tier Tribunal against that refusal. The appeal was heard by First-tier Tribunal Judge M Davies at Manchester Piccadilly on 21<sup>st</sup> August, 2018.
3. This morning Mr McVeety and Mr Sills have agreed between them that the determination of First Tier Tribunal Judge M Davies contain material errors of law and have invited me to remit the appeal to the First-tier Tribunal for hearing afresh by a judge other than Judge M Davies. I am grateful to them.
4. I find that the determination of Judge M Davies does contain material errors of law and I set it aside. The appeal will be heard afresh by the First-tier Tribunal before a judge other than Judge M Davies.

### **Notice of Decision**

The determination is set aside

No anonymity direction is made.

***Richard Chalkley***

A judge of the Upper Tribunal.

Date: 19 December 2019