



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

Appeal Number: PA/10561/2018

THE IMMIGRATION ACTS

**Heard at Field House
On 19th June 2019**

**Decision & Reasons Promulgated
On 08 July 2019**

Before

DEPUTY UPPER TRIBUNAL JUDGE LEVER

Between

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

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Swain of Counsel

For the Respondent: Mr Walker, Senior Presenting Officer

DECISION AND REASONS

1. The Appellant born on 22nd April 1990 is a citizen of Sri Lanka. The Appellant was represented by Mr Swain of Counsel. The Respondent was represented by Mr Walker a Senior Presenting Officer.

Substantive Issues under Appeal

2. The Appellant made application for asylum on 21st February 2018 with his wife a dependant upon his claim. The Respondent refused the Appellant's application on 22nd August 2018. The Appellant appealed that decision and his appeal was heard by Judge of the First-tier Tribunal Steadman

sitting at Hatton Cross on 1st April 2019. The Judge had refused the Appellant's appeal on all grounds.

3. Application for permission to appeal was made and was granted on 22nd May 2019. Amongst matters raised it was found that the judge had arguably reached a conclusion on documents by drawing on references contained within documents and thereafter carrying out his own research in respect of those references.
4. Directions were issued firstly for the Upper Tribunal to decide whether an error of law had been made by the First-tier in this case. The matter comes before me in accordance with those directions.

Decision

5. Mr Walker fairly and properly agreed a material procedural irregularity had occurred such that it resulted in a material error of law. The judge had conducted his own research into matters without providing notification to the parties or giving them the opportunity to comment. It is difficult to note to what extent that independent research affected his ultimate decision.
6. A material error of law was made by the judge in this case and the decision of the First-tier Tribunal should be set aside and made afresh in the First-tier Tribunal before a judge other than Judge Steadman.

No anonymity direction is made.

Signed



Deputy Upper Tribunal Judge Lever

Date

