



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

Appeal Number: PA/13422/2017  
HU/08150/2017

**THE IMMIGRATION ACTS**

**Heard at Manchester CJC**

**Decision and  
Promulgated**

**Reasons**

**On 17<sup>th</sup> December 2018**

**On 04<sup>th</sup> January 2019**

**Before**

**UPPER TRIBUNAL JUDGE COKER**

**Between**

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

Appellant

**and**

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

Respondent

Representation

For the appellant: Mr KJ Wood counsel instructed by IAS

For the respondent: Mr A McVeety, Senior Home Office Presenting Officer

**DETERMINATION BY CONSENT**

Pursuant to Rule 39 of the Tribunal Procedure (Upper Tribunal) Rules 2008 and by the consent of the parties the following order is made:

Upon the determination by First-Tier Tribunal Judge S T Fox promulgated on 1<sup>st</sup> May 2018 disclosing a material error of law and being set aside on 17<sup>th</sup> December 2018.

And upon the parties agreeing that the appeal against the refusal of his protection claim should be remitted to the First-tier Tribunal for a fresh determination with no findings retained.

The appeal in the Upper Tribunal is allowed. The decision of the First-tier Tribunal is set aside for legal error. The appeal against the decision giving rise to the appeal in the First-tier Tribunal is remitted to the First-tier Tribunal to be reheard.

Signed  
Upper Tribunal Judge Coker

Date 17<sup>th</sup> December 2018

