



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

Appeal Number: PA/02210/2020

THE IMMIGRATION ACTS

**Heard at Field House via Microsoft
Teams
On 12 November 2021**

**Decision & Reasons
Promulgated
On 23 November 2021**

Before

UPPER TRIBUNAL JUDGE ALLEN

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

**MD S A
(ANONYMITY DIRECTION MADE)**

Respondent

Representation:

For the Appellant: Mr S Walker, Senior Home Office Presenting Officer
For the Respondent: Mr M Biggs, instructed by Hubers Law

DECISION AND REASONS

1. The Secretary of State appeals with permission against the decision of a Judge of the First-tier Tribunal who allowed the appeal of Mr Ahmed against the Secretary of State's decision of 21 February 2020 refusing to grant asylum or humanitarian protection.

2. In any event, little needs to be said about the background or the detailed facts of this case. Mr Walker accepted, in light of what was said in particular at paragraph 7 of Mr Biggs's skeleton argument concerning paragraph 16 of the judge's decision where he addressed the key issue in dispute, that of the judge's treatment of the APPG Report in respect of TOEIC cases, that it was difficult for him to reconcile the grounds with what was said at paragraph 16. As a consequence, Mr Walker conceded that there was no material error of law in the decision, accepting that the judge had considered everything on its own merits.
3. In the circumstances, I did not need to call upon Mr Biggs.
4. As a consequence of Mr Walker's concession, the challenge to the judge's credibility and other findings falls away. As a consequence, the decision of the judge allowing the appeal on asylum grounds is maintained.

Notice of Decision

The appeal is allowed on asylum grounds.

Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until a Tribunal or court directs otherwise, the appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him or any member of his family. This direction applies both to the appellant and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.



Signed

Date 17 November 2021

Upper Tribunal Judge Allen