



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

Appeal Number: PA/05697/2016

THE IMMIGRATION ACTS

Heard at City Centre Tower, Birmingham

**Decision & Reasons
Promulgated
21st March 2018**

On 26th February 2018

Before

DEPUTY UPPER TRIBUNAL JUDGE RENTON

Between

**O A
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Unrepresented

For the Respondent: Mrs H Aboni, Home Office Presenting Officer

DECISION AND REASONS

Introduction

1. The Appellant is a male citizen of Afghanistan born on [] 1997. He entered the UK illegally on 18th December 2015 and applied for asylum that day. That application was refused for the reasons given in an Asylum Decision dated 20th May 2016. The Appellant appealed and his appeal was heard by Judge of the First-tier Tribunal Asjad (the Judge) sitting at Birmingham on 30th March 2017. She decided to dismiss the appeal for the reasons given in her Decision dated 2nd May 2017. The Appellant

sought leave to appeal that decision, and on 6th October 2017 such permission was granted.

Error of Law

2. I must first decide if the decision of the Judge contained an error on a point of law so that it should be set aside.
3. At the hearing before me the Appellant appeared unrepresented but indicated that he wished the hearing to proceed. For the Respondent Mrs Aboni confirmed that it was conceded in accordance with the Rule 24 response that there was a material error of law in the decision of the Judge which accordingly should be set aside. She further confirmed that she agreed that the appeal should be remitted to the First-tier Tribunal for the decision in the appeal to be re-made there in accordance with paragraph 7.2(b) of the Practice Statements as there was judicial fact-finding still to be carried out.
4. In accordance with the concession of the Respondent, I find a material error of law in the decision of the Judge which I therefore set aside. I need not give my reasons for that decision in accordance with Rule 40(3)(b) of the Tribunal Procedure (Upper Tribunal) Rules 2008. The decision in the appeal will be re-made in the First-tier Tribunal.

Notice of Decision

The making of the decision of the First-tier Tribunal did involve the making of an error on a point of law.

I set aside that decision.

The decision in the appeal will be re-made in the First-tier Tribunal.

Anonymity

The First-tier Tribunal made an order for anonymity which I continue for the reasons given by the First-tier Tribunal.

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 19th March 2018

Deputy Upper Tribunal Judge Renton