



**Upper Tribunal  
(Immigration and Asylum Chamber)  
PA/10913/2017**

**Appeal Number:**

**THE IMMIGRATION ACTS**

**Heard at North Shields**

**Decision & Reasons**

**On 20 March 2018**

**Promulgated**

**On 01 May 2018**

**Before**

**DR H H STOREY  
JUDGE OF THE UPPER TRIBUNAL**

**Between**

**A A A  
(ANONYMITY DIRECTION MADE)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Ms S Rogers, Legal representative, Immigration Advice Centre Ltd

For the Respondent: Mr M Diwnycz, Home Office Presenting Officer

**DECISION AND DIRECTIONS**

1. The appellant is a national of Sudan. He claimed asylum unsuccessfully in 2006 but made further submissions in December 2016. These were based on him being a deserter from the Sudanese Government's army. When the respondent rejected these submissions in October 2017, the appellant appealed. In a decision sent on 15 November 2017 First-tier Tribunal (FtT) Judge Shanahan dismissed his appeal. The judge did not consider the appeal on the substance because he considered that the appellant had

failed to comply with rule 19 of the Tribunal Procedure (FtT) (IAC) Rules 2014 in not submitting any grounds. It is accepted by both parties that the judge was mistaken about this matter, since unbeknown to him it seems the reminder notice sent to the appellant gave him until 3 November 2017 to submit grounds and he did so by 31 October 2017.

2. For the above reasons there has been an error of process amounting to an error of law and one necessitating that I set aside the judge's decision.
3. To conclude:

The decision of the FtT judge is set aside for material error.

The case is remitted to the FtT.

**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: 26 April 2018



Dr H H Storey  
Judge of the Upper Tribunal