



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

Appeal Number: AA/07515/2014

THE IMMIGRATION ACTS

**At Manchester CJC
On Papers**

**Decision and Reasons
Promulgated
On 07 June 2019**

Before

UPPER TRIBUNAL JUDGE BRUCE

Between

**HKM
(anonymity direction made)**

Appellant

And

The Secretary of State for the Home Department

Respondent

DECISION

1. This matter has been settled by consent between the parties who further agreed that the appeal could be determined without further hearing. The agreement between the parties, communicated by way of email from the Respondent dated the 20th May 2019, is that the Appellant should succeed in his appeal on protection grounds.
2. The salient facts as found by the First-tier Tribunal were that the Appellant is a 'Bidoon' from Kuwait. The matter in issue in the onward appeal was whether the First-tier Tribunal was entitled to find, by its decision of the 24th September 2018, that the Appellant was a documented - as opposed to undocumented- Bidoon without giving the parties an opportunity to address it on that matter. As the

Respondent now accepts, it is not the Respondent's case that the Appellant was documented. On the contrary, it is accepted that he was undocumented. Given the binding country guidance in NM (documented/undocumented Bidoon -risk) Kuwait CG [2013] UKUT 00356, the Respondent accepts that the proper course would be for the appeal to be allowed on protection grounds.

Anonymity

3. The Appellant is a refugee. As such I am satisfied, having had regard to the guidance in the *Presidential Guidance Note No 1 of 2013: Anonymity Orders*, that it would be appropriate to make an order in accordance with Rule 14 of the *Tribunal Procedure (Upper Tribunal) Rules 2008* in the following terms:

“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 to, amongst others, both the Appellant and the Respondent. Failure to comply with this direction could lead to contempt of court proceedings”

Decisions

4. The decision of the First-tier Tribunal contains material errors of law and it is set aside.
5. The appeal is allowed on protection grounds.
6. There is an order for anonymity.



Upper Tribunal Judge Bruce
26th May

2019