



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

Appeal Number: PA049882016

THE IMMIGRATION ACTS

Heard at Bradford

**Decision &
Promulgated
On 7 June 2017**

Reasons

On 6 June 2017

Before

DEPUTY UPPER TRIBUNAL JUDGE SAFFER

Between

**GTC
(ANONYMITY ORDER MADE)**

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Hussain of Counsel

For the Respondent: Mrs Pettersen a Home Office Presenting Officer

DECISION AND REASONS

Background

1. Pursuant to Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 (SI 2008/269) I make an anonymity order. Unless the Upper Tribunal or a Court directs otherwise, no report of these proceedings or any form of publication thereof shall directly or indirectly identify GTC or any of his family members. This direction applies to, amongst others, all parties. Any failure to comply with this direction could give rise to Contempt of Court proceedings. I do so in order to preserve the anonymity of GTC whose protection claim, for reasons that will become clear, remains outstanding.

2. The Respondent refused GTC's application for asylum or ancillary protection on 6 May 2015. His appeal against this was dismissed by First-tier Tribunal Judge Fox ("the Judge") following a hearing on 6 September 2016.

The grant of permission

3. First-tier Tribunal Judge Hodgkinson granted permission to appeal (23 February 2017) as it is arguable (in essence) that the Judge materially erred in not recognising that GTC was the child of a refugee, going behind the Respondent's concession on that, and making adverse findings on that and the impact it had on his protection claim without giving GTC the chance to comment on it.

Respondent's position

4. Despite what was submitted in the rule 24 notice (3 March 2017), Mrs Pettersen conceded that the Judge had materially erred for the reasons given above [3].

Discussion

5. Given the entirely appropriate and correct concession made by Mrs Pettersen, I am satisfied that a material error of law occurred. I am also satisfied having heard from the representatives that it is appropriate to remit the matter de novo as the errors go beyond those contained within the Presidential Guidance for retention in the Upper Tribunal.

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 the decision.

I remit the matter to the First-tier Tribunal for a de novo hearing, not before Judge Fox.

Deputy Upper Tribunal Judge Saffer
6 June 2017