



**Upper Tribunal
(Immigration and Asylum Chamber)**
PA/06215/2016

Appeal Number:

THE IMMIGRATION ACTS

**Heard at North Shields
On 11 May 2017
Prepared on 11 May 2017**

**Decision & Reasons
Promulgated
On 12 May 2017**

Before

DEPUTY UPPER TRIBUNAL JUDGE JM HOLMES

Between

**T. A.
(ANONYMITY DIRECTION MADE)**

Appellant

And

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms Rogers, Solicitor, Immigration Advice
Centre Limited

For the Respondent: Mr Diwnycz, Home Office Presenting Officer

DECISION AND REASONS

1. The Appellant entered the United Kingdom illegally and claimed asylum on 10 December 2016 after arrest. That application was refused on 3 June 2016, and the Appellant's appeal to the Tribunal was heard on 10

October 2016 and dismissed by decision of First tier Tribunal Judge Turnock promulgated on 21 October 2016.

2. The Appellant was granted permission to appeal on 18 January 2017 by Upper Tribunal Judge McGeachy on the basis it was arguable the Judge had failed to provide adequate reasons for her decision. The Respondent filed a Rule 24 notice in response to that grant of permission on 8 February 2017 in which she argued the Judge had given full reasons for his findings upon the disputed issues of fact. Thus the matter comes before me.

Error of Law?

3. When the appeal was called on for hearing before me Ms Rogers (who had very recently been instructed to act) accepted quite candidly that the challenge advanced in the grounds had no merit. She accepted that the correct burden and standard of proof had been applied by the Judge to the evidence before him, and that adequate reasons had been given for the conclusions that were reached. I was invited to dismiss the appeal, since permission must have been given in error.
4. In these circumstances, having considered the matter for myself, the Appellant should never have made the application for permission to appeal, and permission should never have been granted. The Judge did not make any material error of law in his decision to allow the appeal, and that decision must stand.

DECISION

The Decision of the First Tier Tribunal which was promulgated on 21 October 2016 did not involve the making of an error of law in the decision to dismiss the appeal that requires that decision to be set aside and remade. That decision is accordingly confirmed.

Deputy Upper Tribunal Judge JM Holmes
Dated 11 May 2017

Direction regarding anonymity - Rule 14 Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until the Tribunal directs otherwise the Appellant is granted anonymity throughout these proceedings. No report of these proceedings shall directly or indirectly identify him. This direction applies both to the Appellant and to the Respondent. Failure to comply with this direction could lead to proceedings being brought for

contempt of court.
Deputy Upper Tribunal Judge JM Holmes
Dated 11 May 2017