



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

Appeal Number: PA/14309/2016

THE IMMIGRATION ACTS

**Heard at Field House
On 22nd June 2017**

**Decision & Reasons Promulgated
On 25th July 2017**

Before

DEPUTY UPPER TRIBUNAL JUDGE I A M MURRAY

Between

**MR SAIFUL EHSAN
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Karim, Counsel for Fountain Solicitors, Walsall

For the Respondent: Mr Whitwell, Home Office Presenting Officer

DECISION AND REASONS

1. The Appellant is a citizen of Bangladesh born on 30th September 1990. He appealed against a decision of the Respondent dated 15th December 2016 refusing him asylum, humanitarian protection and on human rights grounds. His appeal was heard by Judge of the First-tier Tribunal Obhi on 31st January 2017. The appeal was dismissed and the decision promulgated on 10th March 2017.
2. An application for permission to appeal was lodged and permission was granted by Upper Tribunal Judge Canavan on 10th May 2017. The permission states that although at paragraph 29 of the decision the judge stated that the appeal is dismissed under the Refugee Convention and on human rights grounds, under the heading "Decision", the judge stated that the appeal is allowed under the Refugee Convention. The permission states that the grounds relating to the substance of the decision are not

arguable. All relevant matters were dealt with by the judge and there was an absence of any evidence to show that the Appellant would face very significant obstacles to integration in Bangladesh on return. The permission states that it is not arguable that the judge has failed to give adequate reasons for her findings relating to the protection claim as she took into account matters that supported the Appellant's account and having considered those found that they undermined his credibility. The permission states that it is not arguable that the judge's findings were outside a range of reasonable responses to the evidence. Permission was therefore only granted because of the discrepancy at paragraph 29 when the judge stated that the appeal was dismissed under the Refugee Convention and then allowed it under the same Convention. The judge's findings that she intended to dismiss the appeal are clear but the Tribunal is unable to amend what appears to be a typographical error in the decision by way of the "slip rule". Reference is made to Rule 42 of the Tribunal Procedure (Upper Tribunal) Rules 2008. The permission states that the Tribunal can only remedy the error by granting permission, finding an error of law and remaking the decision.

3. In the permission directions are given. They state that this is a matter that need not put the parties to the expense of an oral hearing as the nature of the error seems obvious. The matter has however come before me and I will require to make a decision. The directions go on to state that subject to any written representations made by the parties by Friday 26th May 2017, the Tribunal proposes to find that the First-tier Tribunal decision involved an error of law and the decision will be remade formally dismissing the appeal. The Tribunal will review the matter after 26th May 2017 to decide whether it is appropriate to confirm the proposed directions.
4. There is a Rule 24 response on the file dated 2nd June 2017. This states that it is abundantly clear that the judge has dismissed the Appellant's appeal on all grounds. Based on the determination overall the only possible outcome is for this appeal to be dismissed. The error is a typographical error. The response states that the findings of fact should stand and the outcome corrected to show that the appeal has been dismissed on all grounds.

The Hearing

5. Counsel for the Appellant submitted that the permission in this case is extremely restricted. He submitted however that I should consider sending the matter back to the First-tier Tribunal for the case to be heard de novo.
6. Counsel submitted that the Upper Tribunal has jurisdiction to correct any error of law in the decision.
7. The Presenting Officer submitted that the directions in the permission are clear. The substance of the case is not arguable. I was asked to find that

there is an error of law and have the decision set aside and for the Appellant's appeal to be dismissed on the same basis.

8. I was asked to consider paragraph 29 of the decision which states that the judge dismisses the appeal under the Refugee Convention and on human rights grounds. The Presenting Officer submitted that the judge has given proper reasons for these findings. In spite of this, under the heading "Decision", the judge states that the appeal of the Appellant is allowed under the Refugee Convention. He submitted that this is merely a slip of the pen. This can no longer be changed under the "slip rule" by the Upper Tribunal. I was asked to find that there is no need for this appeal to be remitted to the First-tier Tribunal and that the Upper Tribunal should amend the paragraph under the heading "Decision" to state "The appeal of the Appellant is dismissed under the Refugee Convention".
9. I have noted the terms of the decision and find that the judge has given adequate reasons for dismissing the appeals under the Refugee Convention, on humanitarian protection issues and also on a human rights basis. There was a lack of supporting evidence before the judge and permission was granted only on the first ground of application.
10. It is clear that the First-tier Judge intended to dismiss the appeal on all grounds. Unfortunately the decision cannot be amended under the "slip rule". I have reviewed this matter. It is now after 26th May 2017 and I find that there are no relevant written representations by the parties and that there is a material error of law in the judge's decision.

Notice of Decision

11. The First-tier Tribunal's decision, promulgated on 10th March 2017 is therefore set aside and the appeal is dismissed on all grounds.
12. No anonymity direction is made.

Signed

Date 24 July 2017

Deputy Upper Tribunal Judge I A M Murray