



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: PA/02173/2018

THE IMMIGRATION ACTS

Heard at Field House
On 6 June 2018

Decision & Reasons Promulgated
On 7 June 2018

Before

UPPER TRIBUNAL JUDGE PITT

Between

AIY
(ANONYMITY DIRECTION NOT MADE)

Appellant

and

ENTRY CLEARANCE OFFICER

Respondent

Representation:

For the Appellant: Mr A Cheliah of Forward & Yussuf Solicitors
For the Respondent: Mr D Clarke, Senior Home Office Presenting Officer

DECISION AND REASONS

1. This is an appeal against the decision promulgated on 19 March 2018 of First-tier Tribunal Judge Woolf which refused AIY's protection and human rights appeals, brought in the context of a deportation order made on 1 February 2018.
2. Pursuant to Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 (SI 2008/269) I continue the anonymity order made by the First-tier Tribunal. 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 the original appellant. 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 avoid a likelihood of serious harm arising to the appellant from the contents of the protection claim.

3. AIY is a citizen of Somalia. He came to the UK in 2006 with ILR as a dependent relative. On 4 October 2016 he was convicted of grievous bodily harm and sentenced to 12 months imprisonment. The respondent indicated that deportation proceedings had commenced and on 10 April 2017 the appellant claimed asylum. The respondent refused the protection and human rights claims in a decision dated 2 February 2018 and made a deportation order on the same day.
4. The appeal against the refusal of the protection and human rights claims came before the First-Tier Tribunal on 6 March 2018. As recorded at [6]-[12] of the decision, the appellant was unrepresented and applied for an adjournment. That application was refused. The appellant's first ground was a challenge to the refusal to adjourn.
5. Before me, Mr Clarke conceded material error was shown in Ground 1 and accepted that the decision of the First-Tier Tribunal had to be set aside to be re-made *de novo*. Where there are no extant findings of fact and the appeal is to be re-made afresh, it is appropriate for that to take place in the First-Tier Tribunal.

Notice of Decision

The decision of the First-tier Tribunal discloses an error on a point of law and is set aside to be remade *de novo* by the First-tier Tribunal.

Signed: 
Upper Tribunal Judge Pitt

Date: 6 June 2018