



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

Appeal Number: PA/08511/2017

THE IMMIGRATION ACTS

**Heard at Field House
On 15 March 2018**

**Decision & Reasons Promulgated
On 16 March 2018**

Before

DEPUTY UPPER TRIBUNAL JUDGE LATTER

Between

**HD
(ANONYMITY DIRECTION MADE)**

Appellant

And

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr K Scott, of Pickup Scott, solicitors

For the Respondent: Ms A Everett, Home Office Presenting Officer

DECISION AND REASONS

1. This is an appeal by the appellant against a decision of the First-tier Tribunal dismissing her appeal, in form at least, on asylum, humanitarian protection and human rights grounds.
2. The appellant is a citizen of Somalia born on [] 2002. She arrived in the UK on 12 January 2017 and claimed asylum on arrival. Her application was refused on 22 August 2017 for the reasons set out in the respondent's detailed reasons for refusal.

3. She appealed to the First-tier Tribunal and her appeal was heard on 2 October 2017. It was agreed that the only issue was that of asylum. The judge accepted the appellant's account of the events leading to her departure from Somalia and found that she would be at real risk of persecution or serious harm on return there for the reasons set out in his decision at [24]-[27].
4. However, in the formal notice of decision at the end of his decision, the judge dismissed the appeal on all grounds.
5. The appellant was granted permission to appeal on the basis that, although the judge appeared to have made a slip, it was not the sort of slip that could be corrected by operation of the First-tier Tribunal's slip rule.
6. In the light of the Upper Tribunal decision in Katsonga ("Slip Rule"; FtT's general powers) [2016] UKUT 228, the slip rule in Rule 31 of the Tribunal Procedure (First-tier Tribunal)(Immigration and Asylum) Rules 2014 cannot be used to reverse the effect of a decision. In these circumstances, the error can only be corrected on appeal. I am satisfied, and the respondent accepts, that it was the intention of the judge to allow the appeal on asylum grounds and that the decision dismissing the appeal was simply a clerical error. To this extent the judge erred in law and the proper course is for the asylum decision to be set aside and for a decision to be substituted allowing the appeal on asylum grounds.

Decision

7. The First-tier Tribunal erred in law. The decision is set aside. I re-make the decision by allowing the appeal on asylum grounds. The humanitarian protection decision is dismissed and there is no need for a decision on human rights grounds.
8. The anonymity direction made by the First-tier Tribunal remains in force until further order.

Signed H J E Latter

Date: 15 March 2018

Deputy Upper Tribunal Judge Latter