



**Upper Tribunal
(Immigration and Asylum Chamber)**
PA/06960/2016

Appeal Number:

THE IMMIGRATION ACTS

Heard at North Shields

**Decision & Reasons
Promulgated**

On 22 August 2017

On 2 October 2017

Prepared on 22 August 2017

Before

DEPUTY UPPER TRIBUNAL JUDGE JM HOLMES

Between

**F. I.
(ANONYMITY DIRECTION MADE)**

Appellant

And

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Williams, Counsel, instructed by Duncan
Lewis & Co Solicitors

For the Respondent: Mr McVeety, Home Office Presenting Officer

DECISION AND REASONS

1. The Appellant claimed asylum on 14 January 2016, and that application was refused on 21 June 2016. The Appellant's appeal to the Tribunal was heard on 12 December 2016 and allowed by decision of First tier

Tribunal Judge Atkinson promulgated on 10 January 2017.

2. The Respondent was granted permission to appeal on 21 April 2017 by First tier Tribunal Judge Martins on the basis it was arguable the Judge had erred in his approach to the issue of whether the Appellant was not simply a citizen of Syria, but also a citizen of Iraq. The Appellant filed no Rule 24 notice in response to that grant of permission. Thus the matter comes before me.

Error of Law?

3. When the appeal was called on for hearing before me Mr McVeety conceded that the grounds had been drafted on the basis of a mistake. The Respondent had never placed before the Judge in evidence material relating to the Iraqi Nationality Law 2006. Thus the Judge could not in fairness be criticised for having overlooked it.
4. Absent that criticism it is plain that the grounds identify no arguable material error of law, and amount to no more than a disagreement with the Judge's findings set out in paragraph 30 of his decision. He accepted that the Appellant held Syrian citizenship at birth by descent, but lost it upon her naturalisation as a citizen of Iraq in 1990. When she moved from Iraq to Syria she applied for, and was granted, Syrian citizenship once more. She renounced her Iraqi citizenship acquired through naturalisation as part of that process.
5. Williams s 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.
6. 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