



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

Appeal Number: PA/11370/2018

THE IMMIGRATION ACTS

**Heard at Field House
On 11th January 2019**

**Decision & Reasons
Promulgated
On 6th February 2019**

Before

DEPUTY UPPER TRIBUNAL JUDGE ZUCKER

Between

**[M K]
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr P Nath instructed by Liyon Legal Ltd

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

DECISION AND REASONS

1. The Appellant is a citizen of Sri Lanka whose date of birth is recorded as 8th June 1988. On 20th July 2016 he made application for international protection as a refugee. On 13th September 2018 the Secretary of State refused that application and the Appellant appealed. His appeal was heard on 24th October 2018 by Judge of the First-tier Tribunal Bulpitt sitting at Hatton Cross. Judge Bulpitt dismissed the appeal on all grounds.

2. Not content with that decision, by notice dated 13th November 2018, application was made for permission to appeal to the Upper Tribunal. There were six grounds. Permission was granted by Designated Judge McCarthy in what has to be said is a very considered reasons for decision in the grant.
3. I am very grateful to Ms Everett who accepts that the cumulative effect of the flaws identified and pursued in the grounds are such that the decision simply cannot stand and that the proper course in the circumstances will be to set aside the decision with no preserved findings and for the matter to be remitted to the First-tier Tribunal for the reasons set out in the grant. It is not necessary for me to say more as the judge in the First-tier Tribunal before whom this matter will be re-listed will have the benefit of seeing the grant of permission to the Upper Tribunal which should assist in ensuring that that judge does not fall into error for the same reasons, and hopefully not at all.

Notice of Decision

The decision of the First-tier Tribunal contained a number of errors of law such that the decision is to be set aside to be re-made in the First-tier Tribunal, not before Judge Bulpitt, to be listed at Hatton Cross with the benefit of a Tamil interpreter.

No anonymity direction is made.

Signed

Date: 28 January 2019



Deputy Upper Tribunal Judge Zucker