



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

Appeal Number: PA/13798/2018

**THE IMMIGRATION ACTS**

**Heard at Manchester  
On 26<sup>th</sup> June 2019**

**Decision & Reasons Promulgated  
On 05<sup>th</sup> July 2019**

**Before**

**Upper Tribunal Judge Chalkley**

**Between**

**SISAY [B]  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

*For the Appellant: Mr I Majid, instructed by J D Spicer Zeb Solicitors*

*For the Respondent: Mr M Diwnycz, Senior Home Office Presenting Officer*

**REASONS FOR FINDING AN ERROR OF LAW**

1. The appellant is a citizen of Ethiopia who was born on 29<sup>th</sup> February 1992, and who arrived in the United Kingdom clandestinely on 7<sup>th</sup> June 2018. The appellant claimed asylum the same day but on 29<sup>th</sup> November 2018, the respondent refused to recognise the appellant as a refugee or to grant humanitarian protection. He gave directions for the appellant's removal to Ethiopia and it was against that decision that the appellant appealed to the First-tier Tribunal. His appeal was heard by First-tier Tribunal Judge Lange on 12<sup>th</sup> March 2019, in Manchester.

2. The basis for the appellant's claim was that having been born and lived in Addis Ababa, Ethiopia he married in October 2014 and had a child. He lived with his grandparents, father, wife and son. He claims that on 9 June 2015, after he and a friend had been discussing politics at a coffee shop, he was detained by the police for some three months. Following that detention, he started to support Patriotic Ginbot 7 (PG7).
3. He attended meetings, made financial contributions and claims to have handed out leaflets for it. He says that he was arrested following a meeting he attended when it was raided by police on 30<sup>th</sup> September 2016, and claims that on that occasion he was detained for some five or six months. He says that he was tortured and interrogated, but managed to escape after an uncle bribed the police and he was helped by an agent to leave Ethiopia.
4. He claims that his wife has told him that police have twice visited looking for him, although she knew nothing of his political activities. He left Ethiopia on 2<sup>nd</sup> March 2017 and spent six days in Sudan and then travelled to Libya. He was there for some five months where he was forced to work by agents. He then travelled to Italy, which took four days and he remained in Italy for a month and then travelled to France where he remained for nine months before coming to June. The appellant claimed that since he had been in the United Kingdom he had been involved in activities on behalf of PG7 in the United Kingdom and claimed in all oral evidence that he had attended two meetings in the United Kingdom.
5. The judge had dealt with the appellant's asylum claim but did not consider the risk to this appellant as a result of his sur place activities. At the hearing before me this morning, both representatives agreed that the determination could not stand and should be set aside. I set aside the determination given the material error of law in it. The appellant has effectively been denied a hearing and I therefore remit this matter to be heard afresh by the First-tier Tribunal before a judge other than First-tier Tribunal Judge Lange.

No anonymity direction is made.

***Richard Chalkley***

Upper Tribunal Judge Chalkley

Dated 02 July 2019