Upper Tribunal
(Immigration and Asylum Chamber) **Appeal Number: AA/05892/2015**

THE IMMIGRATION ACTS

Heard at Bradford Phoenix House	**Decision & Reasons Promulgated**
On 16 May 2016	**On 20 May 2016**

Before

DEPUTY UPPER TRIBUNAL JUDGE SAFFER

Between

M F F J M

Appellant

And

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:
For the Appellant: Ms Logan of Counsel
For the Respondent: Mr Diwnycz a Home Office Presenting Officer

DECISION AND REASONS

Background

1. The Respondent refused the Appellant's application for asylum or ancillary protection on 17 March 2015. The appeal against that decision was dismissed by First-tier Tribunal Judge Brown following a hearing on 15 September 2015. This is an appeal against that decision. The brevity of the decision is possible due to the common sense displayed by Mr Diwnycz.

The grant of permission

2. First-tier Tribunal Judge White granted permission to appeal (4 November 2015) on the ground that;

> "it is arguable that … the judge was in error by relying on unsubstantiated assumptions concerning the detention and court process that were against the weight of the evidence."

The hearing before me

3. In the grounds seeking permission to appeal more detail is given regarding this assertion. It is unnecessary for me to detail them as Mr Diwyncz conceded that there were indeed unsubstantiated assertions and speculation to such an extent regarding the court process and documentation produced that, despite what it said in the Rule 24 notice, there was a material error of law and the decision could not stand.

Discussion

4. The Judge found as follows;

> [46] the Appellant "…was detained without charge and ill-treated."

5. This finding was not challenged by the Respondent. The assumptions and speculation related to what happened after this do not affect this finding. Therefore that finding stands. Both representatives were of the view that the matter should be remitted to the First-tier Tribunal for a rehearing given the absence of findings beyond that detention.

Decision:

The making of the decision of the First-tier Tribunal did involve the making of an error on a point of law.

I set aside the decision.

I remit the matter to the First-tier Tribunal for rehearing not before Judge Brown.

Signed:
Deputy Upper Tribunal Judge Saffer
17 May 2016