



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

Appeal Number: PA/08593/2016

THE IMMIGRATION ACTS

**Heard at Bradford
On 18 September 2017**

**Decision & Reasons Promulgated
On 19 September 2017**

Before

DEPUTY UPPER TRIBUNAL JUDGE SAFFER

Between

**KMJB
(ANONYMITY ORDER MADE)**

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Holmes of Counsel

For the Respondent: Mrs Pettersen a Home Office Presenting Officer

DECISION AND REASONS

Background

1. Pursuant to Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 (SI 2008/269) I make an anonymity order. Unless the Upper Tribunal or a Court directs otherwise, no report of these proceedings or any form of publication thereof shall directly or indirectly identify KMJB. This direction applies to, amongst others, all parties. Any failure to comply with this direction could give rise to Contempt of Court proceedings. I do so in order to preserve the anonymity of KMJB whose protection claim remains outstanding.
2. The Respondent refused the application for asylum or ancillary protection on 31 July 2016. His appeal against this was dismissed by

First-tier Tribunal Judge Robson (“the Judge”) following a hearing on 27 January 2017.

The grant of permission

3. Tribunal Judge Pedro granted permission to appeal (20 June 2017) as it is arguable that the Judge materially erred in failing to consider the documentary evidence properly, speculating, and failing to consider and understand material evidence.

Respondent’s position

4. No rule 24 notice was filed. Mrs Pettersen properly conceded that there were material errors of law in that the Judge wrongly found [59] that articles made no specific reference to the Appellant whereas 7 separate articles did, the Judge had plainly speculated [53] as to whether the Bangladeshi authorities would monitor access to the British Embassy despite there being no evidence of that, and the Judge at [53] went behind a concession [19] regarding the authenticity of an FIR.

Discussion

5. Given the concession made by the Respondent, which I will not simply repeat, I am satisfied that material errors of law occurred. I am also satisfied having heard from the representatives that it is appropriate to remit the matter de novo as the errors go beyond those contained within the Presidential Guidance for retention in the Upper Tribunal.

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 a de novo hearing, not before Judge Robson.

Deputy Upper Tribunal Judge Saffer
18 September 2017

