



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

Appeal Number: RP/00023/2018

THE IMMIGRATION ACTS

**Heard at Field House
On 21 September 2018**

**Decision & Reasons
Promulgated
On 17 October 2018**

Before

UPPER TRIBUNAL JUDGE ALLEN

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

and

**MR A S
(ANONYMITY DIRECTION MADE)**

Appellant

Respondent

Representation:

For the Appellant: Ms Z Kiss, Senior Home Office Presenting Officer
For the Respondent: Mr J Martin, Counsel instructed by Clapham Law LLP

DECISION AND REASONS

1. This is the Secretary of State's appeal against the decision of the First-tier Judge allowing Mr [S]'s appeal against a decision refusing a protection and human rights claim. I think not a great deal needs to be said about the judgment. The judge considered the provisions of section 72 with regard to cessation and concluded that though the offence that had been committed by him was a particularly serious crime the judge concluded

that he had rebutted the second element of section 72 of being a danger to the public and allowed the appeal purely on that basis. The Secretary of State challenges this decision on the basis that although the judge had taken matters so far he had not gone on to consider whether he was a refugee at the relevant date and it was an error of law not to complete the task having made a section 72 finding. I think it is essentially common ground that the judge erred in that regard and although some reservations are expressed from the Secretary of State's side it does seem to me bearing in mind there is no cross-appeal that the proper outcome for this matter is for it to go back to Judge Page who is the judge in question for him to complete his task so the appeal is allowed to that extent.

Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until a Tribunal or court directs otherwise, the appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him or any member of his family. This direction applies both to the appellant and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.



Signed

Date 25 September 2018

Upper Tribunal Judge Allen