



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

Appeal Number: PA/09466/2018

THE IMMIGRATION ACTS

**Heard at Field House
On 21st June 2019**

**Decision & Reasons Promulgated
On 27th June 2019**

Before

UPPER TRIBUNAL JUDGE MARTIN

Between

**AAA
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms M Bayoumi (instructed by Ferial Saada Solicitors)

For the Respondent: Mr T Lindsay (Senior Home Office Presenting Officer)

DECISION AND REASONS

This is an appeal to the Upper Tribunal by the Appellant in this case in relation to a Decision and Reasons of Judge Russell in the First-tier Tribunal, promulgated on 16th April 2019 after a hearing at Taylor House in February 2019.

The Appellant is a citizen of Egypt and had made a protection claim based on his political opinion. The judge, possibly because there was a long time between his hearing the appeal and determining it, has made a number of errors in the judgment, including apparently misunderstanding the basis of the claim; with regard to the timing of the Appellant's claim and concerning his

presence in the UK at the time he was supposedly wanted in Egypt, all of which are factual errors. For example, there was a clear explanation from the Appellant as to why he was not in Egypt at the time of his prosecution, namely that he had left Egypt prior to his being wanted by the authorities. That explanation was entirely overlooked by the judge.

The Secretary of State concedes that the judgment is tainted by a material error of law and that no findings can be preserved.

The Secretary of State's concession is entirely appropriate and on that basis, I set aside the First-tier Tribunal's judgment in total and, given that it has to be a full rehearing on all the facts and the objective evidence, it is appropriate to remit it to the First-tier Tribunal. The appropriate hearing centre is Taylor House and it should be a full rehearing with no findings preserved. I also note that an anonymity direction was made and I will continue that.

Notice of Decision

The appeal is allowed to the extent that the First-tier Tribunal's Decision and Reasons is set aside and the matter remitted to the First-tier Tribunal for a full rehearing.

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 25th June 2019

Upper Tribunal Judge Martin