



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

Appeal Number: AA/00192/2015

THE IMMIGRATION ACTS

Heard at Bradford

**Decision and Reasons
Promulgated**

On 24 November 2015

On 27 November 2015

Before

UPPER TRIBUNAL JUDGE D E TAYLOR

Between

A O

Appellant

And

SECRETARY OF STATE

Respondent

Representation:

For the Appellant: Ms Khan; Counsel, instructed by Switalskis, sols

For the Respondent: Mr McViety; HOPO.

DETERMINATION AND REASONS

1. This is the appellant's appeal against the decision of Judge Mozolowski made following a hearing on 7 April 2015 at Bradford.
2. Mr McViety did not oppose the remittal of this determination to a differently constituted First-tier Tribunal.
3. The core issue before the judge was the nationality of the appellant. The respondent believes that he is Ethiopian, and the

appellant asserts that he is Eritrean. He has also spent many years in the Sudan.

4. Unfortunately the judge did not resolve that issue. She said in terms at paragraph 54 of the determination that she could not come to any conclusion about the appellant's nationality.
5. Accordingly the judge erred in law by failing to come to a decision on a material matter. The decision will have to be remade with all issues at large.
6. The case should be listed in the FTT at Bradford before a judge other than Judge Mozolowski on the next available date with a Tigrinya interpreter.

Signed

Date

Judge of the Upper Tribunal