



IAC-AH-KEW-V1

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

Appeal Number: AA/05501/2014

**THE IMMIGRATION ACTS**

**Heard at Columbus House, Decision & Reasons Promulgated  
Newport  
On 28<sup>th</sup> October 2015**

**On 4<sup>th</sup> November 2015**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE DAVIDGE**

**Between**

**T K  
(ANONYMITY DIRECTION MADE)**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Miss Jennifer Tear

For the Respondent: Mr Irwin Richards, Home Office Presenting Officer

**DECISION AND REASONS  
EX TEMPORE JUDGMENT**

1. It has previously been found appropriate, given this appeal involves asylum issues, that the Appellant be granted anonymity unless and until the Tribunal directs otherwise. As such, no report of these proceedings shall directly, or indirectly, identify the Appellant or any members her family. Failure to comply with this direction could lead to a contempt of court.

2. The Appellant in this case appeals with permission a decision of First-tier Tribunal Judge Murray promulgated on 12<sup>th</sup> November 2014 in which the judge dismissed the Appellant's appeal against the Respondent's refusal of his claim for international protection.
3. The Grounds of Appeal before me are predicated on the judge's conclusion that the Appellant had not established that he had used an alias in his dealings with the Respondent and others.
4. The grounds refer to parts of the evidence before the judge and in particular to the document at page 64 of the Respondent's 92 page bundle provided to the First-tier Tribunal headed "restricted reasonable grounds consideration". In that document it is minuted that the Appellant was apprehended by Immigration Officers on 30<sup>th</sup> May 2012 during an enforcement visit to an address in Milton Keynes when he initially gave false details using the name F M and a date of birth 2<sup>nd</sup> December 1968. The minute continues that further checks revealed his true identity as T K and this resulted in him being served with an IS151A as an overstayer on the same date and detained.
5. I am satisfied that in light of that evidence, which is in the Respondent's bundle, the judge's conclusion that the Appellant did not use such an alias is unsustainable. Evidence was before me that the HOPO on the day argued that the alias had not been used. The reasons for refusal do not specifically take issue with the contention, but rather argue that it is the continuity of residence which is not established. It is a matter of regret that the document to which I have referred does not appear to have been specifically drawn to the judge's attention in the context of the resolution of the dispute of using the alias at all.
6. In those circumstances I am satisfied that the judge's decision cannot be maintained being flawed by material error of fact and I set it aside, and remit the case to the First-tier Tribunal for re-hearing, de novo with no findings of fact preserved.

Signed E Davidge

Date 02 November 2015

Deputy Upper Tribunal Judge Davidge