



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

Appeal Number: PA/05487/2018

THE IMMIGRATION ACTS

**Heard at North Shields
On 26 July 2019**

**Decision & Reasons Promulgated
On 09 August 2019**

Before

DEPUTY UPPER TRIBUNAL JUDGE APPLEYARD

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

**MR S C P
(ANONYMITY DIRECTION MADE)**

Respondent

Representation:

For the Appellant: No Appearance.

For the Respondent: Mr D Mills, Home Office Presenting Officer.

DECISION AND REASONS

1. The Appellant in this case is the Secretary of State for the Home Department. However, for the sake of clarity, I shall use the titles by which the parties were known before the First-tier Tribunal with the Secretary of State referred to as “the Respondent” and Mr S C P as “the Appellant”.
2. The Appellant is a citizen of Zimbabwe who made an application for international protection. That application was refused and he appealed. Following a hearing in Bradford, and in a decision promulgated on 25 March 2019, Judge of the First-tier Tribunal Ince allowed the appeal on both asylum and human rights grounds.

3. The Respondent sought permission to appeal. It was granted by Judge of the First-tier Tribunal Wilson in a decision dated 17 April 2019. The reasons for that decision were: -

“1. The grounds seek permission (in time) to appeal a decision and reasons of First-tier Tribunal Judge Ince who in a decision and reasons promulgated on 25 March 2019 both allowed and dismissed the Appellant’s appeal against the Respondent’s decision to refuse his application for asylum

2. The grounds assert that despite rejecting in totality the Appellant’s claim [32-36] the judge in his “summary of decisions” allows the Asylum and Human Rights Appeals.

3. In an otherwise considered and careful decision the judge has included contradictory statements as to whether the appeal is allowed or dismissed. This is an arguable material error of law

4. As this arguable material error of law has been identified, all the grounds are arguable.”

4. Thus, the appeal came before me today.
5. The Appellant did not appear at today’s hearing. Indeed, I note from paragraph 2 of the Judge’s decision that there was also no appearance at the hearing in the First-tier Tribunal.
6. I am satisfied that the Appellant was served with notice of hearing at his last address provided to the Tribunal. Pursuant to the Tribunal Procedure (Upper Tribunal) Rules 2008 and in particular the overriding objective within rule 2, I decided to proceed to hear this appeal today.
7. Mr Mills relied upon the grounds seeking permission to appeal. In particular that despite Judge Ince rejecting the totality of the Appellant’s claim the appeal was erroneously allowed.
8. I find that to be the position. Throughout his decision Judge Ince has given cogent reasons for his adverse credibility findings and the rejection of the Appellant’s claim.
9. It is plain that in allowing the appeal in the final paragraph of his decision he has made an inadvertent error. This amounts to a material error of law.

Conclusions

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 remake the decision in the appeal by dismissing it.

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 their 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: 1 August 2019

Deputy Upper Tribunal Judge Appleyard

TO THE RESPONDENT
FEE AWARD

No fee is paid or payable and therefore there can be no fee award.

Signed

Date: 1 August 2019

Deputy Upper Tribunal Judge Appleyard