



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

Appeal Number: PA/11169/2019 (P)

**THE IMMIGRATION ACTS**

**Determined in accordance with Rule 34  
Without a hearing, On 27<sup>th</sup> May 2020**

**Decision & Reasons Promulgated  
On 01 June 2020**

**Before**

**UPPER TRIBUNAL JUDGE COKER**

**Between**

**ALI [M]**

Appellant

**and**

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

Respondent

**DETERMINATION BY CONSENT**

Pursuant to Rule 39 of the Tribunal Procedure (Upper Tribunal) Rules 2008 and by the consent of the parties the following order is made:

“Upon the determination by First-tier Tribunal Judge Monaghan promulgated on 20<sup>th</sup> January 2020 disclosing a material error of law and being set aside on 27<sup>th</sup> May 2020.

And upon the parties agreeing that the appeal should be remitted to the First-tier Tribunal, the appeal by the appellant against the refusal of his protection claim is remitted to the First-tier Tribunal.”

The appeal in the Upper Tribunal is allowed. The decision of the First-tier Tribunal is set aside for legal error. The appeal against the decision giving rise to the appeal is remitted to be heard afresh before the First-tier Tribunal.

The appellant’s representative sought a decision with various findings of fact retained. Given there is an error of law in the decision and there is agreement that the decision be remitted to the First-tier Tribunal, such findings are not necessary in

this case. The findings of fact will stand in so far as the First-tier Tribunal concludes is the case, taking fully into account the acceptance by the respondent of various matters, the findings made by FtT Judge Monaghan after hearing evidence and the basis upon which the judge erred in law.

Jane Coker

Upper Tribunal Judge Coker  
Date 27 May 2020