



**Upper Tribunal
(Immigration and Asylum Chamber) Appeal Number: RP/00071/2019**

THE IMMIGRATION ACTS

**Heard at Field House via Skype for Decision & Reasons Promulgated
Business**

On 13 April 2021

On 26 April 2021

Before

**Mr. C M G OCKELTON, VICE PRESIDENT
UPPER TRIBUNAL JUDGE O'CALLAGHAN**

Between

**SAID OSMAN
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms. C Bayati, Counsel, instructed by Polpitiya & Co Solicitors

For the Respondent: Mr. T Lindsay, Senior Presenting Officer

DECISION AND REASONS

Introduction

1. This is an appeal against the decision of Judge of the First-tier Tribunal Kainth ('the Judge') sent to the parties on 21 January 2020. He had before him the appellant's appeal against the respondent's decision to revoke his protection status.

2. The appellant appeals with permission of Judge of the First-tier Tribunal O'Brien who granted permission to appeal on all grounds by a decision dated 19 February 2020.

Anonymity

3. No anonymity direction was issued by the Judge and no application for such direction was made before us.

Decision

4. The hearing before us was listed as a CMR hearing. By consent of the parties we treated the hearing as the hearing of the appeal.
5. The parties formally agreed at the hearing before us that the decision of the First-tier Tribunal should be set aside for material error of law, the Judge having possessed no jurisdiction to consider any matter except that set out in s84(3) of the Nationality, Immigration and Asylum Act 2002, the only permissible ground of appeal against a decision to revoke protection status, yet apparently investigated and decided other issues.
6. In such circumstances, we set aside the decision of the First-tier Tribunal for error of law. It would be wrong for either party to place reliance on anything that happened at, or as a result of, the hearing before the Judge.
7. The parties agreed that the appellant does not possess refugee status, having been granted indefinite leave to remain in March 1996 as a dependent of his mother who had been recognised as a refugee by the United Kingdom authorities prior to his arrival in this country. Such agreement was initially confirmed before the First-tier Tribunal and again before this Tribunal upon consideration by the parties of the judgment of the Court of Appeal in Secretary of State for the Home Department v. JS (Uganda) [2019] EWCA Civ 1670, [2020] 1 WLR 43, at [73], where it was held that refugee status under the 1951 UN Convention can only be accorded to a person who has a well-founded fear of being persecuted, not merely one derived from or dependent on another person. The appellant's appeal cannot therefore succeed on the grounds specified in s 84(3).
8. Accordingly, we substitute a decision dismissing the appellant's appeal against the revocation of his protection status.

Signed: D O'Callaghan
Upper Tribunal Judge O'Callaghan
Dated: 14 April 2021