



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

**Appeal Number: UI-2022-006065
PA/54686/2021
IA/14141/2021**

THE IMMIGRATION ACTS

**Decision & Reasons Issued:
On the 15 June 2023**

Before

UPPER TRIBUNAL JUDGE PITT

Between

**YG
(ANONYMITY DIRECTION MADE)**

Appellant

and

Secretary of State for the Home Department

Respondent

At Field House

DECISION AND REASONS

Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, the appellant and any member of his family are granted anonymity. No-one shall publish or reveal any information, including the name or address of the appellant, likely to lead members of the public to identify the appellant and/or member of his family. Failure to comply with this order could amount to a contempt of court.

1. This is a remaking of the appeal of YG brought on protection and human rights grounds against a decision of the respondent dated 12 June 2020.
2. The background to this remaking is set out in the error of law decision issued on 25 May 2023. In brief, the appellant maintained that he was of

Eritrean ethnicity and nationality and that he was not eligible for Ethiopian nationality. He maintained that he was at risk on return to Eritrea after being discovered at a Pentecostal house church and fleeing the country.

3. The First-tier Tribunal made findings that the appellant was born in Eritrea to Eritrean parents and that his account of being found at a Pentecostal house church was credible. The appeal was refused by the First-tier Tribunal, however. The First-tier Tribunal decision was found to disclose an error of law by the Upper Tribunal in the decision dated 25 May 2023 and a remaking hearing listed for 8 June 2023.
4. In a skeleton argument provided for the remaking hearing, the respondent made a number of concessions. The Upper Tribunal addressed those concessions in a notice and direction issued on 7 June 2023. The Upper Tribunal directed as follows:
 1. *The hearing listed for 2pm on Thursday 8 June 2023 is vacated.*
 2. *There has been no challenge to the findings at [35] of the First-tier Tribunal decision, set out in [8] of the Upper Tribunal error of law decision. Those findings are therefore extant.*
 3. *At the error of law hearing the respondent did not accept that the appellant was Eritrean, notwithstanding the extant findings of the First-tier Tribunal at [35]. In her skeleton argument dated 5 June 2023 she concedes at [9] that the extant findings of the First-tier Tribunal combined with Eritrean nationality law show that appellant is a national of Eritrea.*
 4. *The respondent's skeleton argument also concedes at [13] that the respondent cannot show that the appellant is able to acquire Ethiopian nationality.*
 5. *Given those concessions, the Upper Tribunal has reached a preliminary view that the appeal must be allowed on the basis that the applicant is Eritrean, faces a risk on return to Eritrea and that he cannot be expected to establish that he is entitled to Ethiopian nationality.*
 6. *The parties are directed to inform the Tribunal by 5pm on Thursday 8 June 2023 whether they oppose the disposal of the appeal in line with the preliminary view of the Upper Tribunal. If there is no response by the time limit given, the Upper Tribunal will deem that a party consents to disposal in line with the preliminary view.*
5. Only the appellant responded to the direction, indicating on 7 June 2023 that he did not oppose the disposal set out above. Where there is no response from the respondent, the Upper Tribunal deems consent to the disposal set out above.
6. The Upper Tribunal therefore finds that the appellant is a citizen of Eritrea and that it has not been shown that he can obtain Ethiopian citizenship. The Upper Tribunal finds that the appellant would be at risk of harm on

return to Eritrea as a result of having been encountered by the authorities at a Pentecostal house church. The appeal is therefore allowed on asylum and human rights grounds.

Notice of Decision

7. The appeal is allowed on asylum and human rights grounds.

Signed: S Pitt
Upper Tribunal Judge Pitt

Date: 8 June 2023