



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2024-001111
FTT No: PA/57182/2023
LP/00586/2024

THE IMMIGRATION ACTS

**Decision & Reasons Issued:
On 4 September 2024**

Before

UPPER TRIBUNAL JUDGE LANE

Between

**AS
(ANONYMITY ORDER MADE)**

and

Secretary of State for the Home Department

Appellant

Respondent

Representation:

For the Appellant: Mr Holmes

For the Respondent: Mr Diwnycz, Senior Presenting Officer

Heard at Phoenix House (Bradford) on 31 May 2024

DECISION AND REASONS

1. The appellant is a male citizen of Albania born on 28 October 2006. He appealed to the First-tier Tribunal against a decision of the Secretary of State dated 13 September 2023 refusing his claim for international protection. The First-tier Tribunal dismissed his appeal and the appellant now appeals to the Upper Tribunal.
2. At the initial hearing at Bradford on 31 May 2024, Mr Diwnycz, Senior Presenting Officer who appeared for the Secretary of State, acknowledged that the judge had erred in law for those reasons asserted in the grounds of appeal which are succinctly summarised by Judge Sills in his grant of permission:

The grounds identify arguable errors of law. In particular, it is arguable that the Judge erred in law in failing to consider the Appellant's age when considering his

failure to claim asylum before reaching the UK. It is also arguable that the Judge acted unfairly and in breach of the Surendran guidelines by making adverse findings on factual matters that the Respondent had not disputed. These adverse findings, for instance at [68], were arguably relevant to the Judge's assessment of the risk on return.

3. In the circumstances, I set aside the decision of the First-tier Tribunal. None of the findings of fact shall stand. The appeal is returned to the First-tier Tribunal for that Tribunal to remake the decision following a hearing *de novo*.

Notice of Decision

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C. N. Lane

Judge of the Upper Tribunal
Immigration and Asylum Chamber

Dated: 22 July 2024