



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

Appeal Number: PA/00833/2017

THE IMMIGRATION ACTS

**Heard at FIELD HOUSE
On 5th October 2017**

**Decision & Reasons
Promulgated
On 9th October 2017**

Before

**DEPUTY UPPER TRIBUNAL JUDGE
G A BLACK**

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellan

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and

[S R]

NO ANONYMITY ORDER MADE

Claimant

Representation:

For the Appellant: Mr C Avery (Home Office Presenting Officer)

For the Respondent: Ms F ALLEN (Counsel)

DECISION AND REASONS

1. I shall refer to the parties as “the Secretary of State” who is the appellant in this matter and to “the Claimant”. This is an error of law hearing. I consider whether or not there is a material error of law in the decision the First-tier Tribunal (Judge Cameron) (“FTT”) promulgated on 30th December 2016.

2. The Claimant is a citizen of Pakistan who claimed asylum on the grounds that he was a Christian (which was accepted) who had been accused of possessing anti-Islamic material which the FTT found to be lacking in credibility. The FTT further took into account the 4 year delay in making a claim for asylum. In the concluding paragraph the FTT “allowed the appeal” although it was clear from the decision and reasons that the FTT intended to dismiss the appeal.
3. At the hearing before me it was agreed by both representatives that the FTT had made a typographical error by stating that the appeal was allowed when in fact it should have been dismissed. I am satisfied that this can be construed as a perverse decision and thus an error of law. The Secretary of State’s grounds are made out. The main issue was how the matter should be resolved. Ms Allen produced a helpful Rule 24 Notice in which she set out the various options and quite rightly pointed out that were I to set aside and remake the decision, that would in effect deprive the Claimant of his right of appeal at the First-tier Tribunal. In the grounds of application for permission the Secretary of State cited **(Katsonga “slip rule”; FTT’s general powers) [2015] UKUT 228** that Rule 31 of the First-tier Tribunal Procedure Rules could not be used to reverse the effect of the decision. This was reiterated by FTJ McGinty who granted permission to appeal.
4. Whilst utilising the appellate process is highly inefficient way of rectifying what is obviously a typing error, it seems that I am left with no option but to return the decision to be re-determined by the FTT and to preserve the findings of fact made. I decline to direct that the matter be referred back to FTJ Cameron in light of the comments in **Katsonga**.

Decision

5. There is a material error of law in the decision which shall be set aside. The decision is sent back to the First -tier Tribunal at Taylor House for redetermination.

Signed

Date 6.10.2017

GA Black

Deputy Judge of the Upper Tribunal

NO ANONYMITY ORDER

NO FEE AWARD

Signed

Date 6.10.2017

GA Black
Deputy Judge of the Upper Tribunal