



**Upper Tribunal**

**(Immigration and Asylum Chamber)** Appeal Number: PA/08751/2018

**THE IMMIGRATION ACT**

**Heard at Civil Justice Centre  
Manchester**

**On 12<sup>th</sup> June 2019**

**Decision & Reasons  
Promulgated**

**On 20<sup>th</sup> June 2019**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE MCCLURE**

**Between**

**Kelsang [L]**

**(NO ANONYMITY DIRECTION MADE)**

Appellant

**And**

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

Respondent

**Representation:**

For the Appellant: Mr Tetley Counsel instructed by GMIAU

For the Respondent: Mr Tan Senior Home Officer Presenting Officer

**DECISION AND REASONS**

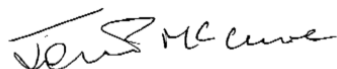
- 1.** This is an appeal by the Appellant against the decision of First-tier Tribunal Judge Pickup promulgated on the 7<sup>th</sup> March 2019 whereby the judge dismissed the appellant's appeal against the decision of the respondent to refuse the appellant's protection claims.

2. I have considered whether or not it is appropriate to make an anonymity direction. Having considered all the circumstances I do not consider it necessary to do so.
3. Leave to appeal to the Upper Tribunal was granted by First-tier Tribunal Judge E M Simpson the 16<sup>th</sup> April 2019. Thus the case appeared before me to determine whether or not there was a material error of law in the decision.
4. A hearing was set for 14<sup>th</sup> June 2019 to determine whether or not there was an error of law in the decision.
5. By letter dated 11 June 2019 the respondent has written to the appellant's representative and to the Upper Tribunal indicating that they concede the appeal. The respondent accepts that for the reasons set out within the grounds of appeal there are material errors of law in the decision of the First-tier Tribunal Judge, including the fact that the judge does not appear to have made any assessment of the expert report.
6. The respondent accepted that the appeal should be allowed and that the case should be remitted back to the First-tier Tribunal for hearing afresh with none of the findings of fact preserved.
7. In the circumstances as conceded by the respondent there being an error of law in the original decision for the reasons set out in the grounds of appeal, I allow the appeal of the appellant against the decision of the First-tier Tribunal and direct that the appeal be remitted back to the First-tier Tribunal for hearing afresh.

**Notice of Decision**

8. I allow the appeal to the extent that it is remitted back to the First-tier Tribunal for hearing afresh.

Signed



Deputy Upper Tribunal Judge McClure  
June 2019

Date 14<sup>th</sup>