



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

Appeal Number: PA/11911/2016

THE IMMIGRATION ACTS

**Heard at Field House
On 9 May 2017**

**Decision & Reasons Promulgated
On 10 May 2017**

Before

DEPUTY UPPER TRIBUNAL JUDGE SAFFER

Between

[W S]

~~(NO ANONYMITY ORDER MADE)~~

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms Capel of Counsel

For the Respondent: Miss Holmes a Home Office Presenting Officer

DECISION AND REASONS

Background

1. The Respondent refused the Appellant's application for asylum or ancillary protection on 13 October 2016. His appeal against this was dismissed by First-tier Tribunal Judge Gibbs ("the Judge") following a hearing on 30 November 2016.

The grant of permission

2. Upper Tribunal Judge Blum granted permission to appeal (30 March 2017) on the basis that it is arguable that the Judge materially erred in failing to properly contextualise the Appellant's account or take account of relevant considerations given the background evidence relating to

blood feuds and the Appellant's assertion that his father remained in hiding. Permission was granted in respect of all the grounds.

Discussion

3. It was submitted in the rule 24 notice (13 April 2017) that the Judge directed herself appropriately. The findings must be seen in the context of the Appellant's admitted deception in applying for asylum as a Syrian, a position he maintained until shortly before the hearing when he admitted to being Egyptian. It was difficult to criticise the Judge with respect to the finding of his father having left the mother behind when the grounds accept that female family members have been targeted in the past in blood feuds and the Appellant's case was that his mother had been murdered.
4. Miss Holmes however accepted that, despite the Appellant's mendacity in relation to his original assertion he was Syrian, the Judge did not identify where in Egypt his village was and whether that falls within the areas referred to in the background evidence as to where blood feuds existed namely the Southern part of Egypt which is also referred to as Upper Egypt. This was a gap in the determination and should have been considered. In those circumstances, she accepted that the Judge could not properly consider the risk on return without having found where he was returning to and whether in that part of Egypt there were indeed blood feuds. That went to credibility and accordingly the matter should be remitted for a de novo hearing.
5. Ms Capel agreed.
6. Given the concession made by the Respondent, and having considered it myself, I am satisfied that a material error of law occurred and that it is appropriate to remit the matter de novo as the error goes beyond those contained within the Presidential Guidance for retention in the Upper Tribunal.

Decision:

The making of the decision of the First-tier Tribunal did involve the making of an error on a point of law.

I set aside the decision.

I remit the matter to the First-tier Tribunal for a de novo hearing, not before Judge Gibbs.

Deputy Upper Tribunal Judge Saffer
9 May 2017