



**Upper Tribunal  
(Immigration and Asylum Chamber)  
PA/04347/2016**

**Appeal Number:**

**THE IMMIGRATION ACTS**

**Heard at Liverpool**

**On 27 March 2018**

**Decision & Reasons  
Promulgated**

**On 3 April 2018**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE MONSON**

**Between**

**MAMADOU NANA SYLLA  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr C. Holmes, Counsel instructed by Greater Manchester Aid Unit

For the Respondent: Mr David Mills, Senior Home Office Presenting Officer

**DECISION AND REASONS**

1. The Secretary of State appeals to the Upper Tribunal from the decision of the First-tier Tribunal (Judge P.J. Holmes sitting at Stoke on 7 November 2017) allowing the appellant's appeal on asylum and Article 8 grounds. Although the Secretary of State is the appellant in the Upper Tribunal, it is convenient to retain the designations used in the First-tier Tribunal.

2. The First-tier Tribunal did not make an anonymity direction, and I do not consider that such a direction is warranted for these proceedings in the Upper Tribunal.

### **The Reason for the Grant of Permission to Appeal to the Upper Tribunal**

3. On 16 January 2018 Judge Hodgkinson granted the respondent permission to appeal from the decision allowing the appeal on asylum grounds, but not from the decision allowing the appeal under Article 8 ECHR. This was because there was no arguable error of law in relation to the Judge's separate reasons for allowing the appeal on family and private life grounds under Article 8 ECHR. Conversely, *"it is correct that the Judge's findings, at [18]-[20] of his decision, would indicate that the Judge intended to dismiss the protection appeal, whereas he allowed it."*

### **Reasons for Finding an Error of Law**

4. Rule 31 of the Tribunal Procedure Rules 2014 provides that the Tribunal may at any time correct any clerical mistake or any accidental slip or omission in a decision, direction or any document produced by it, by – (a) providing notification of the alleged decision or direction, or a copy of the amended document to all parties; and (b) making any necessary amendment to any information published in relation to the decision, direction or document.
5. There is a clear error "on the face of the record" as all the Judge's reasoning points towards the appeal on asylum grounds being dismissed, and it is only in the formal conclusion at the end that he notifies his decision to allow the appeal on asylum grounds. I am satisfied that if the anomaly in the Notice of Decision had been drawn to his attention, he would have corrected it to say that he was dismissing the appeal. I am certain that this is what he intended to say.
6. Mr Holmes accepted that the decision on the asylum appeal was vitiated by a material error of law and that it should be set aside and remade.

### **The Remaking of the Decision**

7. The Judge gave adequate reasons for finding that the appellant did not have a well-founded fear of persecution on return to Ivory Coast, and I adopt those reasons for the purpose of remaking the decision. Mr Holmes did not invite me to reach a different conclusion on the evidence.

### **Notice of Decision**

The decision of the First-tier Tribunal to dismiss the appellant's appeal on grounds of humanitarian protection, and to allow his appeal on human rights

grounds under Article 8 ECHR, did not contain an error of law, and this decision stands.

The decision of the First-tier Tribunal to allow the appellant's appeal on asylum grounds contained an error of law, and accordingly this decision is set aside and the following decision is substituted: the appellant's appeal on asylum grounds is dismissed.

Deputy Upper Tribunal Judge Monson

27 March 2018