



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: PA/07341/2017

**THE IMMIGRATION ACTS**

Heard at Manchester Civil Justice Centre  
On 4 September 2019.

Decision & Reasons Promulgated  
On 17 September 2019

Before

Upper Tribunal Judge Chalkley

Between

RAMI [M]  
(ANONYMITY DIRECTION NOT MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

**Representation:**

*For the Appellant: Mr Malik, Clerk from HUMD Solicitors*

*For the Respondent: Mr McVeety, Home Office Presenting Officer*

**REASONS FOR FINDING AN ERROR OF LAW**

1. The appellant is Rami [M]. He is a citizen of the Palestinian Territories who was born on 30 January, 1984. He is represented by Mr Malik, a clerk from HUMD Solicitors, and the respondent is represented by Mr McVeety.
2. The appellant made application for recognition as a refugee and was refused. He appealed to the First-tier Tribunal. On 29 April, 2019 the appellant's appeal was due to be heard by First-tier Tribunal Judge Foudy.

3. The appellant sought an adjournment at 10 o'clock because his representative Mr Malik, a solicitors' clerk, had failed to attend the hearing. The Tribunal received a facsimile from Mr Malik saying:

"I write to inform the court that I was due to attend and represent the above client in court today however due to a serious family emergency I cannot attend. I have informed my client and his wife to attend and informed them why I cannot attend. I am fully prepared for this appeal and cannot entrust it to another representative at such short notice due to the complexity of the case and trust the court will adjourn this matter which is very important to my client."

4. As a result the judge felt unable to agree to an adjournment and proceeded with the hearing. She concluded that the appellant was not a refugee and was not entitled to humanitarian protection. She was satisfied that his rights would not be breached under the European Convention for the Protection of Human Rights.
5. At the hearing before me this morning Mr Malik appeared and explained that there was only one partner in the office on the day in question and no one in his firm, apart from him, dealt with immigration work. He could offer me no sensible excuse why that partner could not have gone to the First-tier Tribunal and explain the circumstances and ask for an adjournment.
6. Mr Malik appears to understand the importance of this matter to his client and yet let him down at the very last minute. People who seek refuge in this country are people who need the very best service that can be provided by lawyers and it simply is not good on the day of the hearing to let them down, for whatever reason. Mr Malik says he is the only person in the practice who knows anything about immigration. That begs the question of how he can be properly supervised?
7. Out of fairness to the appellant I remit this appeal to be heard afresh by the First-tier Tribunal before a judge other than First-tier Tribunal Judge Foudy. I am satisfied that the interests of justice require that I should do this. An Arabic speaking interpreter will be required and two hours should be allowed for the hearing of the case.

*Richard Chalkley*

Upper Tribunal Judge Chalkley

Date: 10 September 2019