



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2022-003427
First-tier Tribunal No:
PA/03888/2020

THE IMMIGRATION ACTS

Decision & Reasons Issued:
On the 25 April

Before

UPPER TRIBUNAL JUDGE CANAVAN

Between

K T
(ANONYMITY ORDER MADE)

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Order Regarding Anonymity

Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, the appellant is granted anonymity. No-one shall publish or reveal any information, including the name or address of the appellant, likely to lead members of the public to identify the appellant. Failure to comply with this order could amount to a contempt of court.

DECISION AND REASONS

1. The appellant appealed the respondent's decision dated 19 June 2020 to refuse a protection and human rights claim. First-tier Tribunal Judge Abebrese dismissed the appeal in a decision sent on 19 May 2022.
2. The appellant applied for permission to appeal to the Upper Tribunal on the ground that the judge failed to consider relevant evidence and aspects of the legal framework that were material to a proper determination of the appeal.
3. Permission was granted by a judge of the First-tier Tribunal. The respondent filed a response under rule 24 of The Tribunal Procedure (Upper Tribunal) Rules 2008 accepting that the First-tier Tribunal decision involved the making of an error of law and agreeing that the decision should be set aside.

4. In light of this concession, Upper Tribunal Judge Smith issued directions to the parties indicating a preliminary opinion that she also agreed that the decision involved the making of an error of law. She directed the parties to make written submissions on disposal.
5. Further to those directions both parties have written to the Upper Tribunal to say that they agree that the decision should be set aside and that none of the findings can be maintained. The matter can be determined on the papers without a hearing. The parties are in agreement that, given that the appeal will need to be determined afresh, it is appropriate to remit the case to the First-tier Tribunal.
6. Although the usual course of action would be for the Upper Tribunal to remake the decision itself, even if it involved making further findings of fact, in view of the wholesale redetermination that is needed, it is appropriate to remit the case to the First-tier for a fresh hearing on this occasion.

Notice of Decision

The First-tier Tribunal decision involved the making of an error on a point of law

The decision is set aside and the case is remitted to the First-tier Tribunal for a fresh hearing

M.Canavan
Judge of the Upper Tribunal
Immigration and Asylum Chamber

05 April 2023