



**IN THE UPPER TRIBUNAL**  
**IMMIGRATION AND ASYLUM CHAMBER**

Case No: UI-2022-001935

First-tier Tribunal No: PA/52883/2020

**THE IMMIGRATION ACTS**

**Decision & Reasons Issued:**  
**On 17<sup>th</sup> of October 2023**

**Before**

**UPPER TRIBUNAL JUDGE OWENS**

**Between**

**OD**  
**(ANONYMITY ORDER MADE)**

Appellant

**and**

**SECRETARY OF STATE FOR THE HOME OFFICE**

Respondent

Decided on the papers with the consent of the parties

**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 appeals with permission against the decision of First-tier Tribunal Judge Hussain dismissing his appeal against the decision dated 24 March 2022 refusing his protection and human rights claim. The judge found the appellant to be entirely lacking in credibility and dismissed the appeal on all grounds.
2. Permission was granted by Upper Tribunal Judge Sheridan on 2 August 2022 on the basis that it is arguable that the judge failed to take into

account the evidence of one of the witnesses or alternatively the judge failed to give adequate reasons for finding it implausible that the witness would visit Turkey when he was a British citizen.

3. On 22 September 2022, by way of a response pursuant to Rule 24 of the Tribunal Procedure (Upper Tribunal) Rules 2008 (“the Rules”), the respondent indicated that the application for permission to appeal is not opposed. The Tribunal was invited to set aside the decision and remit the appeal for a fresh oral hearing.
4. On 20 September 2023 this Tribunal issued directions asking both parties whether they consented to this course of action and for the error of law application to be determined without a hearing and for the decision being made without written reasons. If the responses were not received within 14 days, the Tribunal would infer that the parties were in agreement with that course of action.
5. The appellant confirmed in writing on 26 September 2023 that they were in agreement with the proposed course of action. On 29 September 2023 the respondent also confirmed in writing that she agreed to the proposed course of action.
6. I am satisfied that both parties have given their consent for the appeal to be decided on the papers and for the decision to be set aside and remitted to the First-tier Tribunal for a de novo hearing. In these circumstances I am not required to give detailed reasons pursuant to rule 40(3)(a) of the Tribunal Procedure (Upper Tribunal) Rules 2008.

### Notice of Decision

1. The decision of the First-tier Tribunal involved the making of an error of law.
2. The decision is set aside in its entirety.
3. The appeal is remitted to the First-tier Tribunal to be heard de novo by a judge other than First-tier Tribunal Judge Hussain.

**R J Owens**

Judge of the Upper Tribunal  
Immigration and Asylum Chamber

29 September 2023