



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

**Case No: UI-2023-000956
First-tier Tribunal No:
PA/54354/2021
IA/13007/2021**

THE IMMIGRATION ACTS

**Decision & Reasons Issued:
On the 10 July 2023**

Before

UPPER TRIBUNAL JUDGE SHERIDAN

Between

**JPK
(ANONYMITY DIRECTION MADE)**

Appellant

and

Secretary of State for the Home Department

Respondent

Representation:

For the Appellant: Ms Norman, instructed by Polpitiya & Co. Solicitors
For the Respondent: Ms Cunha, Senior Home Office Presenting Officer

Heard at Field House on 10 July 2023

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.

CONSENT ORDER

1. In a Rule 24 response dated 7 July 2023, the respondent conceded that the judge (Judge of the First-tier Tribunal Davey) materially erred by giving legally inadequate reasons for not finding the appellant credible. Before

me, both Ms Norman and Ms Cunha expressed the view that the case should be remitted to the First-tier Tribunal to be heard afresh with no findings preserved. They also were in agreement that this appeal could be decided by way of a consent order.

2. Pursuant to Rules 39 and 40(3) of the Tribunal Procedure (Upper Tribunal) Rules 2008 I make the following order:

The decision of the First-tier Tribunal is set aside and the appeal is remitted to the First-tier Tribunal to be made afresh by a different judge with no findings preserved.

D. Sheridan

Upper Tribunal Judge Sheridan

Judge of the Upper Tribunal
Immigration and Asylum Chamber

10 July 2023